



CRM-M-68670-2025 (O&M) -1-

**(238) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-68670-2025 (O&M)

Date of decision : 12.01.2026

SAKSHI SHARMA

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA (ORAL)

Present: Mr. Sandeep Arora, Advocate for the petitioner

Mr. Vivek Sharma, AAG, Punjab

MANISHA BATRA, J. (ORAL)

1. The instant petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail in case arising out of FIR No.104 dated 05.05.2025 registered under Sections 318(4), 316(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') registered at Police Station Tanda, District Hoshiarpur.

2. The aforementioned FIR was registered on the basis of a complaint submitted by the complainant Harminder Singh alleging that he alongwith his wife was interested to settle abroad. He was introduced with the petitioner and her mother by some acquaintance. The petitioner and her mother represented to him that they use to send people abroad on work permit. The petitioner and her mother demanded a sum of Rs.22

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lakhs for the purpose of issuance of a work permit and visa for the complainant. He was made to part with Rs.10,30,000/- on the premise of sending him abroad. Fake tickets and visa were, however, given to them by the petitioner and the co-accused thereby cheating them. The petitioner and co-accused were also not returning the money as taken from the complainant and as such he prayed for taking penal action against the petitioner and her mother. After registration of FIR, investigation proceedings were initiated. The petitioner was arrested on 17.09.2025 and investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. No recovery has been effected from her. The ingredients for commission of subject offences are not attracted qua her at all. The petitioner had never made any inducement to the complainant. The petitioner is a home maker and is not running any travel agency. The investigation stands concluded. Trial will take considerable time to conclude. Her involvement in other cases cannot be considered to be a reason for denying benefit of bail to her. With these broad submissions, it is urged that she deserves to be released on bail.

4. Notice of Motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter by placing on record the custody certificate of the petitioner. It is argued by learned State counsel that the petitioner has criminal antecedents and has two cases of similar nature pending against her. There are chances of petitioner's committing similar



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offences or absconding, if extended benefit of bail. It is, therefore, argued that she does not deserve to be released on bail.

6. The petitioner is alleged to have cheated the complainant by duping him of an amount of Rs.10,30,000/-. The subject offences are triable by Magistrate. She is not required for the purpose of further investigation as the same stands concluded. The offences under Sections 316(2) and 318(4) are anti-thesis to each other and hence it is a debatable question as to whether the ingredients of both these offences are attracted or not? The trial will take considerable time to conclude as even challan has not been presented. In the considered opinion of this Court, the continued detention of the petitioner would not serve any useful purpose. It is well settled proposition of law that bail is the rule and jail is an exception. Pre-trial incarceration should not be a replica of post-conviction sentencing. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, lest the same prejudice the case of either of the parties, the petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned and on the following conditions:-

- (i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.



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(ii) The petitioner shall not leave the country under any circumstance without permission of the learned trial Court.

(iii) The petitioner shall appear before each and every date of hearing.

(iv) The petitioner shall provide her address where she would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) The petitioner shall upon her release give her mobile phone number to concerned IO/SHO and shall keep her mobile phone switched on all times.

(vi) The petitioner shall surrender her passport, if any, furnish details of his cell phone and Aadhaar card, and shall not change her mobile number(s) during the pendency of the trial.

8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

(MANISHA BATRA)
JUDGE

12.01.2026
Amit Sharma

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No