



CRM-M-73417-2025

-1-

**122a IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-73417-2025 (O&M)

Decided on: 16.03.2026

Pritpal Kaur Brar

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. A.P.S.Deol, Sr. Advocate with
Mr. Balbir Singh Sewak, Advocate,
Mr. Himmat Singh Deol, Advocate and
Ms. Dilpreet Kaur, Advocate, for the petitioner.
Mr.Raj Karan Singh, AAG, Punjab.
Mr. Gurfateh Singh Khosa, Advocate for
the complainant.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.181 dated 03.09.2025, registered under Sections 318(4), 316(2), 61(2) and 238 of BNS, 2023, at Police Station Baghapurana, District Moga.

2. Succinctly, facts of the case are that the FIR in the present case was registered on the statement of complainant Ashwani Kumar. It was alleged that Kuldeep Singh was complainant's classmate and had introduced his son, Navjot Singh Brar, and daughter-in-law, Pritpal Kaur Brar (petitioner), to the complainant. Subsequently, through them, the complainant sent his son and daughter to Canada, as they were running an IELTS centre. Thereafter, they started a property investment business with the complainant and initially paid him profits in order to gain his trust.



CRM-M-73417-2025

-2-

Navjot Singh Brar also involved his brother-in-law and his wife in the business and thus, all of them, after due deliberation, took approximately Rs.2.25 crores from the complainant, his wife and children. Thereafter, on the pretext of settling the complainant and his wife in Canada, the accused allegedly duped them of about 55 tolas of gold and an additional Rs.15 lacs. Thus, request was made to take legal action against the accused persons. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Moga praying for grant of anticipatory bail. However, after hearing both the sides, the learned Court finding no merit in the same, dismissed the bail application filed by the petitioner vide order dated 19.12.2025. Hence, the petitioner has approached this Court praying for grant of anticipatory bail by way of filing the present petition

3. It has been vehemently contended by learned Senior Counsel for the petitioner that from the allegations made in the FIR, it is apparent that the dispute between both the sides is purely of civil nature. He submits that the transaction of amount of Rs.2.25 crores is not on account of cheating or fraud on the part of the petitioner, but both the sides had invested the said amount in the property business. He submits that once profit of the complainant reduced, the petitioner alongwith other co-accused have been clandestinely roped in the present case. He submits that the petitioner has been prosecuted by the complainant in a case under Section 138 of the Negotiable Instruments Act, 1881 and the same is pending adjudication before the trial Court concerned. He has submitted that the petitioner has been falsely implicated in one more FIR on the same set of



CRM-M-73417-2025

-3-

allegations. He has submitted that co-accused i.e. the husband of the petitioner has been granted regular bail by this Court vide order of even date passed in **CRM-M-72921-2025** in the present case. He, thus, submits that in the overall facts and circumstances of the case, the petitioner deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the submissions made by learned counsel for the petitioner. He has submitted that total amount having been cheated by the petitioner alongwith the co-accused, is Rs.2.25 crores, which is duly supported by documentary evidence viz bank transactions. He submits that the petitioner is facing prosecution in one more FIR i.e. FIR No.107 dated 12.06.2025, wherein, her petition for anticipatory bail has already been dismissed by Hon'ble Supreme Court vide order dated 25.02.2026 passed in Special Leave to Appeal (Crl.) No.3262-2026. He further submits that the defrauded amount is yet to be recovered. He, thus, submits that the present petition deserves to be dismissed.

5. Learned counsel for the complainant has also vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner alongwith the co-accused allured the complainant to part with a heavy amount and thereafter, after having been parted with an amount of more than two crores, the complainant found himself to have been cheated by the petitioner and other co-accused. He submits that the petitioner is facing prosecution in one more FIR of similar nature and anticipatory bail petition filed by the petitioner in that FIR has already been dismissed by Hon'ble Apex Court. He, thus, prays for dismissal of the present petition.



CRM-M-73417-2025

-4-

6. Heard learned counsel for the parties and perused the record. A perusal of the FIR reveals that there are specific allegations against the petitioner, who in connivance with co-accused duped the complainant of Rs.2.25 crores. There are specific bank transactions between the petitioner and the complainant on different dates. However, the petitioner failed to return the amount to the complainant when demanded. Even the cheques given in the name of the complainant and his family members were dishonoured, regarding which, separate complaints have been filed under Section 138 of the Negotiable Instruments Act, 1881. One more FIR No.107 dated 12.06.2025 of the similar nature has been registered against the petitioner and her husband, in which her anticipatory bail has been declined by Hon'ble Supreme Court vide order dated 25.02.2026 passed in SLP (Crl.) No.3262-2026. The argument raised by learned Senior Counsel for the petitioner that the dispute is purely civil in nature cannot be accepted in view of the specific allegations of inducement and cheating involving a huge amount. As far as the contention raised by learned Senior Counsel for the petitioner that the co-accused has been granted regular bail by this Court is concerned, regular bail is granted after arrest and is considered on parameters distinct from those applicable to anticipatory bail, which is an extraordinary relief. The role attributed to each accused, the necessity for custodial interrogation, and the overall facts and circumstances of the case are required to be assessed independently in respect of each individual. Considering the gravity of the allegations, the nature of the accusations, and the requirement of custodial interrogation, this Court is not inclined to grant the extraordinary relief of anticipatory bail to the petitioner.



7. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

8. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous



advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disintering offences would not conduct themselves as offenders.”

9. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

10. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

11. In view of the facts and circumstances of the present case, this

Court is of the opinion that the petitioner does not qualify for exercising the

extraordinary power by this Court in her favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

12. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

16.03.2026			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No