

CRM-M-31927-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31927-2025
Reserved on: 01.08.2025
Pronounced on: 18.08.2025

Prabhjot Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Varun Goyal, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
64	18.03.2025	Phillaur, District Jalandhar	420, 370 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 14 of the bail petition, the accused declares that she has no criminal antecedents.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That FIR No. 64 dated 18.03.2025 U/s 370, 420 IPC was registered at Police Station: Phillaur, Jalandhar (Rural) on the basis of a complaint bearing no. 517-PGD dated 14.03.2024 given by complainant namely Jagdish Mahey(son of Nirmal Chand Mahey) to the SSP, Jalandhar (Rural) and the said complaint was marked to the Deponent/DSP, Sub Division: Phillaur, Jalandhar (Rural) for inquiry. Following facts came to light during inquiry which led to registration of instant case FIR:

i. The complainant was working in HDFC Bank, Branch Goraya, Jalandhar.

ii. In the month of September, 2023, the complainant went to the office of "J.R and Brothers Travels" where he spoke with the petitioner Prabhjot

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have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to following portion of the reply, which read as follows:

“5. That pursuant to the registration of instant case FIR, co-accused Mandeep Singh was arrested on 27.03.2025 and he was granted regular bail vide order dated 22.04.2025 passed by Ld. Additional and Sessions Court, Jalandhar (Annexure P/5). A bare perusal of the said order would reveal that the co-accused Mandeep Singh was granted regular bail on the ground that no monetary transaction took place between Mandeep Singh and complainant and that the travel agency was not registered in the name of co-accused Mandeep Singh. Thus, it is pertinent to mention herein that the entire monetary transaction took place between the complainant and petitioner as the petitioner is the registered travel agent running "JR and Brothers Travels" and an amount of Rs. 7,22,000/- was transferred by the complainant either into the account of petitioner or the travel agency which is registered in the name of petitioner.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

ROLE OF THE PETITIONER

6. That the petitioner is the main accused in the instant case FIR who defrauded the complainant for an amount of Rs. 7,22,000 / on the pretext of procuring him an Italian Visa. For the said purpose, Rs. 3,23,000 /- was deposited into the account of petitioner and Rs. 3,99,000 /- was deposited into the account of "JR and Brothers Travels" which is registered in the name of petitioner.”

REASONING:

8. The present FIR was registered on 18th March 2025, in which the date of incident was mentioned as 17th October 2023 to 22nd December 2023. The petitioner's husband Mandeep Singh was arrested on 27th March 2025 and after that, he was granted regular bill by the Additional Sessions Judge, Jalandhar on 22nd April, 2025. The stand of the prosecution is that the Additional Sessions Judge had granted bail on the ground that he was not the main accused. Be that as it may, the name of the travel agency is “JR and Brothers Travels” which means petitioner cannot be a partner in this Firm because she is a female. The word JR and Brothers refers to only brothers, i.e. males and not any female. Regarding transfer of amount in her account, the civil suit would create a doubt about the

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allegations and in the considered opinion of this court, the possibility of a civil dispute being given a criminal color, cannot be ruled out. Moreover, no memorandum of article or partnership deed of the firm was taken into possession to prove that petitioner is one of the partner in the firm.

9. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, petitioner being a woman and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioner shall abide by all statutory bond conditions and appear before the

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concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

21. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.08.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.