



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

101

CRM-M-52792-2025

Date of decision: 25th September, 2025

Gagandeep Sharma

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aashish Chopra, Advocate for the petitioner.

Mr. Apoorv Garg, Additional Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 392 dated 08.07.2025 registered under Sections 316(2), 318(4), 338, 336(3) and 340(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Assandh, District Karnal.

2. The aforementioned FIR was registered on the basis of a complaint filed by the complainant Gourav alleging that his friend Amrish Rana was willing to go to Canada. On 15.07.2024, his friend and himself had come across an advertisement on social media got issued by the petitioner representing herself to be running immigration business. They had contacted her on 18.07.2024. The petitioner had assured that she could get visa for Canada issued in favour of the Amrish Rana and demanded a sum of



Rs. 14,00,000/- for that purpose. Passport and other documents related to Amrish Rana were given to her and to her husband Rajbir Singh, who was working along with her. On 09.08.2024, the petitioner sent a video clip saying that VISA had been issued by Canadian embassy and told the complainant and Amrish Rana that his passport has been sent to embassy. On 16.09.2024, she sent a video clip of the passport on which the sticker/stamp of Canada was affixed. She told Amrish Rana to take his passport and VISA on depositing the amount of Rs. 14,00,000/-. The complainant along with Amrish Rana and his younger brother Aman had gone to the office of petitioner and her husband on 18.09.2024, wherein the petitioner was present along with her husband and Sarabjit Kaur and after making the payment of cash amount of Rs. 14,00,000/- had received from her. On 28.09.2024, the petitioner sent ticket of Amrish Rana for Canada, however, when complainant and Amrish Rana reached Delhi Airport with passport and ticket, they came to know that the visa and ticket as given by the petitioner, were fake. The victim and complainant tried to contact the petitioner and her husband and asked them to return money given by the victim. Only an amount of Rs. 2,15,000/- was given back. By alleging that the victim had been cheated at the hands of the petitioner and co-accused and fraud had been committed with him, the complainant prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending her arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Karnal, which was dismissed vide order dated 30.08.2025.



4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case by the complainant who himself is an accused in case bearing FIR No. 747 dated 28.09.2024 registered at Police Station Indira Gandhi Airport (Delhi). He is not the victim of the alleged crime and hence, had no locus standi to lodge the complainant. There is delay of four months in reporting the matter to the police. The alleged offences had taken place within the jurisdiction of Zirakpur and FIR has been wrongly lodged at Police Station Karnal. The complainant has lodged this FIR only in order to create a defence for himself in case bearing FIR No. 747. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her since no money has been received by her. It is, therefore, urged that she deserves to be extended benefit of pre-arrest bail.

5. Status report has been filed by respondent-State. It is argued by learned State counsel that there are serious and specific allegations against the petitioner. The statement of the victim Amrish Rana has also been recorded during the course of investigation, wherein he has also supported the allegations in the FIR. For conducting thorough and proper investigation in the matter and for eliciting information, as to the manner in which the subject crime was committed by the petitioner, her custodial interrogation is must. No extra ordinary and exceptional circumstance for grant of bail is even otherwise made out. It is, therefore, urged that the petitioner does not deserve to be extended benefit of pre-arrest bail.

6. This Court has heard learned counsel for the parties at considerable length.



7. The petitioner along with the co-accused is alleged to have induced the victim Amrish Rana to part with a sum of Rs. 14,00,000/- on the premise of getting a visa for Canada issued in his favour. The said Amrish Rana has not lodged the FIR but as submitted by the respondent, he has recorded statement under Section 180 of BNSS on 20.07.2025 supporting the allegations in the FIR. There are specific allegations against the petitioner. For conducting proper and deeper probe into the matter, her custodial interrogation is a must. In case her custodial interrogation is denied to the Investigating Agency, that will leave many glaring loopholes and gaps thereby adversely affecting the investigation. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

[MANISHA BATRA]
JUDGE

25th September, 2025

Parveen Sharma

1. *Whether speaking/ reasoned* : *Yes / No*
2. *Whether reportable* : *Yes / No*