IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106 **CRM-M-57539-2025**

Date of decision: 14.10.2025

Shikha Sharma

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Shubham Pathania, Advocate for
Mr. Varun Issar, Advocate for the petitioner.

Mr. Gurpartap S. Bhullar, AAG Punjab.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Sections 482 of BNSS, 2023 in FIR No.229 dated 03.07.2023 registered for offences punishable under Sections 420, 406 and 120-B of the IPC at Police Station City Faridkot.

2. The gravamen of the FIR pertains to defrauding the complainant namely Bhupinder Singh, son of Hakam Singh, resident of Fatehgarh Korotana, Tehsil Dharmkot, District Moga, who alleged that his son namely Gurinder Singh had been in contact with accused namely Deepak Sharma, her wife namely Shikha Sharma (petitioner herein) and Arshdeep Singh for about 09 months with regard to IELTS admission. On 10.08.2022, the complainant paid them Rs.15.00 lacs. Later, on 02.05.2023, the complainant gave another Rs.5.00 lacs in cash to the aforesaid accused in front of computer shop of co-accused Arshdeep Singh. The aforesaid accused promised to complete the process by 11.05.2023. However, later

on, the phones of the aforesaid accused have been switched off and their office as well as residence has been closed. The complainant has thus, alleged that in this way the aforesaid accused had cheated the complainant for a total sum of Rs.20.00 lacs. On these set of allegations, the present FIR was registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the present FIR despite having no role or financial involvement in the alleged transactions. No payment was ever made to the petitioner nor did she have any connection with the SBE Visa Immigration Consultant which is solely owned and operated by her estranged husband namely Deepak Sharma. Learned counsel has further contended that the petitioner and Deepak Sharma have been living separately for a considerable time as reflected in the divorce petition filed by Deepak Sharma on 06.08.2022 under Section 13 of the Hindu Marriage Act, 1955 wherein he specifically stated that the petitioner has been residing with her parents at a different address. Furthermore, there is no specific allegation in the FIR suggesting that the petitioner owns, manages or is associated with SBE Visa Immigration Consultant. According to learned counsel, the petitioner is a homemaker and is taking care of her two minor daughters, one of whom is suffering from a life threatening disease. Learned counsel asserts that the petitioner alongwith her daughters has travelled to Dubai on 09.05.2023 on a visitor visa to explore the medical treatment option for her ailing daughter and during her absence the impugned FIR has been registered. Learned counsel has emphasized that the entire transaction and money dealings have solely been between the complainant and Deepak Sharma, who is the proprietor of SBE Visa

Immigration Consultant. The only allegation against the petitioner is that she allegedly made a phone call and demanded Rs.5.00 lacs which is false, baseless and unsubstantiated. Learned counsel has pointed out that the co-accused namely Arshdeep Singh has already been granted the concession of anticipatory bail by this Court vide order dated 13.08.2024 in CRM-M-23058-2024. It has been further argued that no recovery is to be effected from the petitioner and, therefore, the custodial interrogation of the petitioner is unwarranted. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case she is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned State counsel, the petitioner was actively involved in the fraudulent transactions, specifically in demanding Rs.5.00 lacs from the complainant, and therefore, cannot claim complete ignorance or non-involvement. It has been further argued that multiple FIRs have been registered against the petitioner and co-accused which demonstrates a pattern of deceitful conduct. According to learned State counsel, the offence committed by the petitioner caused substantial financial and emotional distress to the complainant and his family. Considering the seriousness of the allegations, the custodial interrogation of the petitioner may be necessary to unearth the broader conspiracy and recover the ill-gotten money. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and

obstruct the recovery and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations against the petitioner are of a serious and large-scale financial fraud. The FIR specifically mentions that the petitioner allegedly demanded Rs.5.00 lacs, which was paid in cash at the office of Deepak Sharma, indicating her direct involvement in the transaction. According to the complainant, the petitioner and co-accused, acting as agents, received a total sum of Rs.15.00 lacs from the complainant on 10.08.2022. Subsequently, Rs.5.00 lacs were allegedly paid in cash on 02.05.2023 in the presence of co-accused namely Arshdeep Singh. Although the petitioner claims that she was abroad on a visitor visa for medical purposes, however, the offence appears to have been committed prior to her departure and mere absence at the time of FIR registration does not absolve her of the liability. The material on record *prima facie* indicates that the petitioner induced the complainant to part with a substantial sum under a false representation of providing IELTS and PTE services through SBE Visa Immigration Consultant, Faridkot. The allegations in the FIR pertain to cheating and criminal breach of trust.

7. *Prima facie,* there appears to be *mens rea* and dishonest intention since the inception of the contract. The offence in question does not merely involve financial deceit but strikes at the very fabric of social

trust, involving immigration fraud, which are not only grave in nature but also have far-reaching consequences on public. The allegations, if found to be true, reflect a deliberate attempt to mislead and defraud the complainant thereby not only causing wrongful loss to him but also eroding the public trust in immigration process. Such offences necessitate a strong and principled judicial response to prevent their recurrence. Therefore, individuals involved in such organized deceit must be dealt with firmly and in accordance with the law, leaving no room for leniency.

8. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner has called and demanded Rs.5.00 lacs which was thereafter paid in cash at the office of co-accused Deepak Sharma which clearly shows her active participation in the fraudulent transaction. Furthermore, the petitioner cannot escape the liability merely on the ground that the business was owned by her estranged husband. The evidence collected during the course of investigation indicates that the petitioner was aware of and participated in the activities of SBE Visa Immigration Consultant. Moreover, the magnitude of the fraud is substantial and several similar complaints have been registered against the petitioner and her co-accused demonstrating a pattern of deceitful conduct. The plea of the petitioner that she has been falsely implicated due to matrimonial discord is untenable as the allegations are supported by specific

statements of the victims. Furthermore, the plea of parity with co-accused is also misplaced. The role attributed to the petitioner is distinguishable from that of co-accused who has been granted the concession of anticipatory bail, inasmuch as she called and demanded Rs.5.00 lacs which was paid in cash. Moreover, the grant of bail to co-accused does not entitle the petitioner to parity as the role attributed to him is distinct and grave. It is well settled that the principle of parity is not absolute and cannot be applied mechanically in all circumstances. Each case must be evaluated on its own facts and the nature and role of each accused is to be independently assessed.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that prima facie case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

> *"6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such*

interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

10. In view of the gravity of the allegations, the magnitude of the alleged fraud, the prima facie involvement of the petitioner, the large quantum of money involved as also the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, the custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth.

11. In view of the prevenient ratiocination, it is directed as under:

(i) The petition in hand is dismissed being devoid of any merits.

(ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

October 14, 2025
Ajay

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