



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64649-2024
DECIDED ON: 20.12.2024

SUSHMA KUMARI ALIAS SUSHMA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. S.A. Chaudhary, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.32, dated 30.07.2022, under Sections 419, 420 IPC (Sections 467, 468, 471, 120-B IPC and Section 66C, D of IT Act added later on), registered at Police Station Cyber Crime Rohtak, District Rohtak.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To, The SHO Police Station Cyber Crime, Rohtak. Respected Sir, it is requested that my name is Neeru Sharma W/O Sh. Ramesh Sharma Chandar Resident of 367/30, Dev Colony Akhade Wali Gali, Rohtak. I got issued my new debit card from HDFC Bank, to be delivered through Blue Dart Courier. For that on 25.07.2022 I searched the customer care number on the Blue Dart site and made phone call on 76791-59766 and

no one answered the call. Immediately after that I received a phone call from mobile no. 82404-68183 on my mobile number 97288-83328. The person made the phone call told his name Rahul and he is employee of Blue Dart Courier and I asked him about the delay in delivery of my debit card. He asked me to make an online complaint in that regard and to pay online fee of Rupees 5 for online complaint and I asked him to pay online fee via paytm then he asked me that whether are you using paytm on same mobile number and I replied Yes then he has taken my UPI ID Detail. Then he had sent a file named online complaint. apk on my WhatsApp number 97288-83328 from his WhatsApp number 83898-54631 and asked me to open the file and I opened the file then I filled up the Bank account details and Paytm UPI password as told by him. After that for a long time he had kept my phone on hold to give the complaint number. During that I checked the messages on my mobile phone showing that Rupees 4999/- & 95000 are withdrawn from my SBI Bank account number 10222157081. And some unknown person committed fraud against me by fraudulently withdrawing the rupees of 99999/- from my account. Legal action may be taken against him. SD: - Neeru Sharma w/o Sh. Ramesh Sharma Chandar Residence of 367/30, Dev Colony, Akhade Wali Gali, Rohtak. From the complaint offence under section 419, 420 IPC made out and FIR No. 32 Dated 30.07.2022 U/s 419, 420 IPC = Police Station Cyber Crime Rohtak is registered. Copies of FIR are being prepared on computer and are being sent to Senior officers by post. I ASI had taken into my possession the Copy of Police missal and original Complaint. FIR is registered in presence of me ASI.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been nominated as an accused in the instant FIR only on the basis of disclosure statement of co-accused Nitish Kumar, who stands acquitted by the trial Court vide Judgment dated 25.09.2024 (Annexure P-2). He further contends that there is no direct evidence against the petitioner to connect him with the alleged commissioning of the offence. It has been contended on behalf of the petitioner that her custodial interrogation is not required as nothing is to be recovered from her.

Learned counsel for the petitioner submits that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

On behalf of the State

Mr. B.S. Virk, Sr. DAG, Haryana accepts notice on behalf of the respondent-State and opposes the grant of anticipatory bail to the petitioner on the ground that the allegations against the petitioner are severe, involving the misuse of multiple Aadhaar cards to create forged bank accounts and obtain mobile phone SIM cards. He further contends that custodial interrogation of the petitioner is required to unearth the entire crime.

4. **Analysis**

Be that as it may, considering the fact that the petitioner was nominated as an accused in the instant FIR only on the basis of disclosure statement of co-accused Nitish Kumar, who stands acquitted by the trial Court vide Judgment dated 25.09.2024 (Annexure P-2) and the fact that

there is no direct role attributed to the petitioner to connect him with the alleged offence added with the fact that the petitioner is ready and willing to join the investigation and cooperate with the investigating agency.

5. **Decision**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘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.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a

period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

20.12.2024

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No