



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
317 CRM-M-2833-2025
Date of decision: 24th April, 2025

Savita Rani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pardeep Panwar, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

1. The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short-‘BNSS’) by the petitioner for grant of anticipatory bail in case arising out of FIR No.109 dated 09.11.2024 registered under Sections 316(2), 318(4), 319(2) of Bharatiya Nyaya Sanhita, 2023 (for short-‘BNS’), at Police Station Cyber Crime, Palwal.

2. The aforementioned FIR was registered on the basis of a complaint lodged online by the complainant-Neeraj Sharma on the allegations of being subjected to online fraud to the tune of `1lakh. Investigation proceedings were initiated. The statement of the complainant was recorded. It was revealed that an amount of `1 lakh was transferred from the bank account of the complainant to a bank account operating in the name of the present petitioner. The mobile number which was registered on this account was found to be in the name of the husband of the petitioner and it was found that at the time of committing the offence of online fraud, this mobile phone was active. The accused Mandeep @ Teenu who is the



brother-in-law of the petitioner was arrested on 07.01.2025. He suffered a disclosure statement admitting his involvement in committing online frauds and then transferring money from the accounts of victims in his bank account and also disclosed that he had joined the present petitioner with him and her bank account was also used for this purpose. The petitioner was nominated as an accused. Apprehending her arrest, she moved an application for grant of pre arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Palwal vide order dated 14.01.2025.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case on the basis of a concocted story. She was not named in the FIR and has been involved on the basis of disclosure statement of the co-accused which cannot be considered to be admissible in evidence. She did not receive any money from the co-accused in fact, the mobile number which was registered in his bank account as well as her account was handled by co-accused Mandeep @Teenu who is her brother-in-law. She has no nexus with him. She is a simpleton illiterate lady and had no knowledge about committing fraud by the co-accused. The money duped from the complainant as well as the mobile phone has also been recovered. Her custodial interrogation is not required. No recovery is to be effected from her. No purpose would be served by arresting her and by keeping her in custody. She is ready to join the investigation. Co-accused Mandeep @Teenu had already been extended benefit of regular bail as he has given amount of `1 lakh to the complainant. Accordingly, it is urged that she deserves to be extended benefit of pre-arrest bail.

4. Status report had already been filed by the respondent-State. It



is argued by learned State counsel that there are specific and serious allegations against the petitioner who was an active member in commission of offences of cyber crime and her bank account was actively used for the purpose of transfer of the money received by online frauds by the co-accused. Her custodial interrogation is required for eliciting the truth and also for conducting thorough and proper investigation in the matter. No extraordinary and exceptional circumstance for grant of pre-arrest bail has been made out. Accordingly, it is argued that the petition does not deserve to be allowed.

5. Rival contentions raised by both the parties have been heard.

6. The petitioner in connivance with the co-accused is alleged to have committed the offence of cheating the complainant and other public persons by duping them of money and getting the same transferred in her bank account and then transferring it further. As per the status report, 5 complaints from different States have been received with regard to transfer of money in the bank account of the petitioner. The petitioner has not denied that the concerned bank account is operating in her name and the number which was registered with the bank and used for committing online fraud was also used by her. The allegations against the petitioner are serious. Such like offences are on rise. To elicit information about the names and identities of other persons involved in the crime as well as for conducting a proper investigation in the matter, the custodial interrogation of the petitioner is must. The case is at its nascent stage. The fact that the co-accused Mandeep @ Teenu had given back the money duped from the complainant back to him, does not exonerate the petitioner from her complicity in the crime. It is



well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. No such circumstance has been made out in this case Accordingly, this Court finds no ground to allow the petition and the same is dismissed.

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

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

[MANISHA BATRA]
JUDGE

24th April, 2025

Parveen Sharma

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