

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

2025:PHHC:037766



(251)

CRM-M-6890-2025

Date of Decision: 19.03.2025

Sushma Rani @ Sushma

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL.

Present:- Mr. Rohit Kaushik, Advocate for petitioner.

Mr. Yuvraj Shandilya, AAG, Haryana.

Mr. R.S. Dhakla, Advocate for the complainant.

MANJARI NEHRU KAUL.J (Oral)

Mr. Rohit Kaushik, Advocate and Mr. R.S. Dhakla, Advocate have entered appearance on behalf of the petitioner and complainant respectively and have filed their Power of Attorney, which are taken on record.

2. The petitioner is seeking the concession of regular bail, filed under Section 483 BNSS, in case FIR No.0195, dated 10.09.2024, under Sections 120-B, 406, 420, 467, 468, 471 IPC and Sections 10, 24 of Emigration Act, registered at Police Station, City Pehowa, District Kurukshetra.

3. Learned counsel for the petitioner submits that petitioner, who is a 55 years old lady, has been in custody in a case triable by a Magistrate since 21.12.2024. It has been contended that totally false allegations have been levelled against the petitioner, who happens to be the mother of the

prime accused Mohit, who along with the petitioner allegedly lured the complainant into parting with a sum of Rs.63.5 lacs on the pretext of sending him and certain other individuals abroad. Counsel has asserted that a perusal of the contents of the FIR reveal that not even a single penny has been transacted from any negotiable instrument by the complainant into the account of the petitioner. The entire case of the prosecution hinges on documentary evidence, which is already part of the charge sheet which stands presented before the Trial Court. Counsel has submitted that since charges have not yet been framed coupled with the fact that as many as 14 prosecution witnesses have been cited by the prosecution, the trial is unlikely to conclude in the near future. In addition to the above submissions, counsel for the petitioner has also urged that it is a matter of record that the petitioner, who has no previous criminal antecedents is being repeatedly hospitalized on account of her medical ailments including some heart issues.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions has reiterated the allegations contained in the FIR which stands reproduced herein under:-

“Copy of application is to the effect that: To, Hon'ble Superintendent of Police Sir, Kurukshetra. Subject: Application for initiation of action and recovery of Rs. 63,50,000/- (Rupees sixty three lacs and fifty thousand) from 1) Mohit Khaduja, mob. No. 83960-23780; 82228-42778 son of Madan Lal; 2) Smt. Sushma Rani, mob. no. 81682-19510 wife of Madan Lal, resident of G.T.V. Colony, old S.B.I. Bank Road, Kaithal, District Kaithal; 3) Pandey Ji, mob. no. 447473148579 and for getting punishment/sentence awarded to the culprits. Sir, it is humbly submitted that myself, Surrender

Singh son of Mukhtiyar Singh, age 35 years, am permanent resident of village Kakrala Gujran, Tehsil Pehowa, District Kurukshetra. Sir, I have passed out 10+2 and I am a peace loving person. Mohit Khanduja and his mother Smt. Sushma Rani came to meet me in my office from where I used to run my property business and stated me that we are dealing in the business of sending boys and girls to abroad and also used to get them provided employment there. You are dealing in property business and the persons from surrounding villages are well known to you. If you will help us for getting the unemployed boys to be sent to abroad, then, we also get them provided employment there and will also make arrangements for their stay and that would lead end to their unemployment. I did not take their assertion seriously, but, after some days, they again came to my office and reiterated the same assertions and they stated me that they would fetch some profit by sending the boys abroad. Sir, I introduced them with 13 persons and their names are as under: 1. Anil Kumar son of Ram Karan; 2. Bhupinder Singh son of Surjit Singh; 3. Sharanvir son of Harbhajan Rana; 7. Meenu wife of Rahul; 8. Vishavjit son of Sandeep; 9. Kajal Pundir daughter of Vishavjit; 10. Hardeponder son of Sukhdev Singh; 11. Gurwinder Kaur wife of Hardeponder; 12. Gur Ahmed Kaur daughter of Hardeponder; 13. Gurwinder Singh son of Niranjana Singh. That Mohit Khanduja and his friend, namely, Monu son of Bona, resident of Kayodak, on dated 18.03.2024, came to my property dealer office at Pehowa, then, Anil son of Ram Karan and Bhupinder Son of Surjit Singh and Sandeep Rana father of Vishavjit, resident of Chakrawati Mohalla, Kurukshetra were already sitting with me and Mohit Khandja fully assured all those four guys for sending them to abroad/Australia and asked them for their passports and money, upon which I handed over passports of Bhupinder, Anil, Vishavjit and Rahul and their Aadhar cards, PAN cards and photographs as also cash amount worth Rs. 3,50,000/-and the money was retained

by Mohit Khanduja while passports and documents were delivered to Monu. After that, on dated 19.03.2024, again, Mohit Khanduja and Monu came to my office at Pehowa and made demand for money, upon which, again, I gave them amount worth Rs. 06 lacs in the presence of Sandeep Rana, father of Vishavjit. That again phone call from Mohit Khanduja was received thereby asking to send amount worth Rs. 15 lacs at the earliest as their visa have been issued and their tickets are to be got issued, upon which I along with Sandeep Rana and my friend Zile Singh, taking amount worth Rs. 12 lacs along, went to the house of Mohit Khanduja at Kaithal and he assured for sending visa of all the four boys within short span and after that Mohit again asked for his entire money, upon which on dated 20.03.2024, further amount of Rs. 17 lacs was given at the house of Mohit and at that time Sandeep Rana was the companion and on dated 02.04.2024, again, amount of Rs. 07 lacs was given to his mother Sushma at his house and again, on dated 27.04.2024, myself, in the company of Sandeep Rana, had given amount of Rs. 10 lacs to Mohit at Mata Gate Mandir, Kaithal and after that, Mohit Khanduja sent his friend Monu and on dated 19.03.2024, an amount of Rs. 08 lacs was taken away from me from Pehowa. In this way, total amount of Rs. 63,50,000/- (Rupees sixty three lacs and fifty thousand) was taken away by Mohit Khanduja, his mother Sushma and Monu collectively. Despite having received such huge amount of money, Mohit Khanduja and his mother Sushma Khanduja, for sending two boys, namely, Anil Kumar son of Ram Karan and Bhupinder son of Surjit Singh to Australia, earlier sent both of them from Delhi to Bangkok and from Bangkok to Indonesia and they made phone call at their residence(s) from number 83960-23780 and informed that both these boys have been kidnapped here and for getting them freed, further demand for Rs. 5,00,000/- was made from their family members. Family members could not fulfil this demand raised by them because they were not left with further funds for giving to them. After that, when their family members

telephonically informed me that their children have been kidnapped there and we do not have further funds to given in lieu of that, then, Sir, I, from my own pocket, got issued tickets for Anil Kumar and Bhupinder Singh and called them back. When they, on return, informed me that the persons of Mohit Khanduja and his mother Sushma Rani kept us under hungry and under thrust there and made us confined at some isolated place and children were subjected to physical and mental torture and because of that they became unwell and they have got provided treatment here. Sir, Anil Kumar and Bhupinder Singh also informed that Mohit, after making him confined, also threatened that if your family members will not pay Rs. 05 lacs more, then, I will get you eliminated. After all this, I taking both of them and their family members along, when approached to Mohit Khanduja and his mother Smt. Sushma Rani, then, Mohit Khanduja and his mother while exhibiting pistol threatened us that both these guys have been spared and reached here and if now they will not leave from here, then, will not be able to go back from here alive and neither I have to pay any money to you nor I will, rather, you have to make payment of money to me and if you will not give money to me, then, I will get you eliminated because I have having connection with higher authorities. Sir, Mohit Khanduja is a person of criminal background. My life and liberty/property may be protected from him. Even now, he used to make some unknown boys to follow me, who used to chase my car and some times, used to wander around my house. Sir, while protecting me, legal action against Mohit Khanduja and his mother Sushma Ram may be initiated and the money given by us amounting to Rs. 63,50,000/- may be got refunded to me and stern legal action against them may be initiated and justice may be imparted. It shall be so kind of you. Dated 03.07.2024. Applicant Surinder Singh son of Shri Mukhtiyar Singh, resident of village Kakrala Gujran, Tehsil Pehowa, District Kurukshetra 70153-04392.”

5. Learned State counsel has neither disputed the custody period of the petitioner nor has it been disputed that the entire case hinges on documentary evidence and is part of the challan which already stands presented before the Trial Court. Furthermore, it has still further been submitted that the next date fixed before the Trial Court is 20.03.2025 when the charges are likely to be framed.

6. I have heard learned counsel for the parties and examined the material on record.

7. The petitioner, who is a 55 years old lady, has been in custody since 21.12.2024 in a Magisterial trial. The investigation in the present case is complete as the challan already stands presented. Hence, there can be no risk of the petitioner tampering with the evidence in the present case. The petitioner, as also not disputed by the State counsel, is not involved in any other criminal case much less a case of identical nature.

8. In the facts and circumstances enumerated herein above, the instant petition is allowed and the petitioner be admitted to bail on her furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

19.03.2025

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No