

2025:PHHC:037206



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

**CRM-M-15020-2025
DECIDED ON: 19.03.2025**

ANKITA SHARMA**.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Hardeep Singh, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No. 5 dated 6.1.2025 under section 24 of Immigration Act 1983 and under section 316 (2) , 318 (4) of BNS Act 2023 registered at Police Station Gulha, District Kaithal, Haryana, in the interest of Justice.

2. Brief facts of the present case as per the version in the FIR as under:-

“Brief facts of the case are that present FIR was registered on the written complaint of Sardar Ahmad, wherein it has been alleged that Kamalpreet Malhotra and Ankita are running British Academy at Patiala Punjab. Complainant is resident of village Khreedi, Tehsil Guhla, District Kaithal. His son Majeed Ahmad

intended to settle abroad. On the basis of advertisement complainant alongwith his son visited British Academy in July 24. There both the accused persons met them. They disclosed that they send persons abroad. They agreed to send his son Majeed Ahmed to Germany for amount of Rs.8,50,000/-. Complainant handed over passport of his son to Kamalpreet Malhotra. On 01.08.2024, complainant and his son again visited the academy. Accused persons assured them that they have got the visa of Russia from 27.07.2024 to 24.09.2024. Accused persons assured that firstly Majeed Ahmed shall be sent to Russia. Thereupon, he will be sent to Germany. Complainant transferred amount of Rs.4,00,000/- through RTGS in the bank account of Kamalpreet Malhotra and at the assurance of accused Kamalpreet, complainant signed two blank cheques bearing No.000039 and 000040, both amounting of Rs.4,00,000/- and handed over to the accused Kamalpreet. One agreement dated 01.08.2024 was executed. On 12.08.2024, complainant's son Majeed Ahmed reached Russia. On 19.08.2024, amount of Rs.21,000/- was transferred in the Bank account of accused No.2 Ankita. Again on 29.08.2024, complainant transferred Rs.4,00,000/-to the bank account of complainant and handed over Rs.29,000/- in cash to him but on 12.09.2024, his son Majeed Ahmed disclosed to his father/complainant that he was kidnapped from Russia. He was taken to Belarus. He was tortured and kept hungry. His 700 Dollars were snatched. He was given severe beatings and thrown in Jungle. On 20.09.2024, complainant booked his son's flight for India and his son came back. At this present FIR was registered for the commission of offence under Section 316 (2), 318 (4) BNS and 24 Immigration Act.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and not the beneficiary of the

amount in question. He further submits that the petitioner is an employee in the office of the co-accused Kamal Preet Malhotra and after receiving an amount of Rs.21,000/- in her account transferred the same to the account of Kamal Preet Malhotra on that day itself, as is evident from the Bank Statement (Annexure P-7).

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Chetan Sharma, DAG Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petition stating the bank account in the name of the petitioner was open as a joint holder, whereas Kamal Preet Malhotra is the nominee.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that the admittedly the petitioner is not the beneficiary of the amount in question, as whatever the amount was received by the petitioner has been credited to the account of Kamal Preet Malhotra, as is evident from the Bank Statement annexed at Annexure P-7.

In the light of above, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein she has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, 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.

(SANDEEP MOUDGIL)
JUDGE

19.03.2025

Meenu

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