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

1) CRM-M-14843-2025
Reserved on: 02.09.2025
Pronounced on: 12.09.2025

SUNITA ...PETITIONER

VERSUS

STATE OF HARYANA …RESPONDENT

2) CRM-M-18173-2025

ROHIT ...PETITIONER

VERSUS

STATE OF HARYANA …RESPONDENT

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr.Rajinder Geol, Advocate for the petitioner(s)(s).

Ms. Shaveta Sanghi, DAG, Haryana.

Mr. Abhijeet Chaudhary, Advocate for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
173	13.05.2023	Pundri, District Kaithal, Haryana	24 of Emigration Act and Sections 364-A, 370, 284, 386, 406 and 420 IPC

1. In both the above mentioned petitions common question of law and facts are involved, so both petitions are being disposed of by a common judgment. For brevity, facts are being taken from CRM-M-14843-2025 titled as *“Sunita Versus State of Haryana.”*

2. The petitioner(s) apprehending arrest in the FIR captioned above have come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

3. Petitioner(s) in both the petitions have no criminal antecedents. However, as per para 13 of the reply in CRM-M-14843-2025, the petitioner-Sunita has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	154	03.07.2023	34/370/384/406/420 IPC	Rajound

4. The facts and allegations are being taken from the reply in CRM-M-14843-2025 filed by the State, which reads as follows:

> "*5. That the present FIR was lodged on the complaint dated 18.04.2023 of complainant Vedpal son of Surta Ram, resident of village Karora and the contents of the same are as follows:-*
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> *To S.P. Kaithal, Subject: Complaint cheating on the pretext of sending abroad and for getting recovered 70,07,500/- and for taking action against Ramesh son of Isher, Rohit son of Ramesh and Anita (Present Petitioner) wife of Ramesh, caste Jat, resident of village Thua, Tehsil and police station Alewa, Distt. Jind, Mobile No. 80598-22225, Sir, It is requested that the applicant Ved Pal son of Surta Ram is permanent resident of village Karora, Tehsil and police station Pundri, District Kaithal and is a peace loving and law abiding citizen 2. That in the month of December, 2018, I came in contact with Ramesh son of Isher. In the first week of the month of February, 2021 accused Ramesh asked me that I am doing the work of sending abroad and your son Bhupindr Singh is unemployed. I will send your son Bhupinder to America and it will cost Rs. 42 lacs and said that if you have any other relative, I will send him also to America. I said that I will discuss it with my family and will tell you. 3. That, after some days, the accused Ramesh again came to my house at village Karora and said that our game of America is going on, if you intend to send, kindly tell me immediately. I got trapped in sweet talks of accused Ramesh and the deal was done in Rs. 18 lacs for sending my son Bhupinder and my neighbor Rajesh @ Raja son of Balbir, resident of village Karora to America. Thereafter, in the last week of March, 2021, accused Ramesh took Rs. 31,000/- from the applicant as well as original passports of my son and Rajesh @Raja from my house in the presence of my son of Bhupinder and he gave assurance that he will send abroad both of them within one month.4. Thereafter, on 19.06.2021, accused came to my house and took Rs. 5,50,000/- from me in the presence of Bhupinder and accused said that the visa of your children will come within one or two days. When the visa didn't come in 15 days, then he said that it is delaying due to CORONA, you believe that your visa will be arranged. Thereafter, on 22.10.2021, above mentioned Ramesh and his wife Anita (Present Petitioner) came to my house and said that the Visa of your children has been granted and took away Rs. 2,50,000/- both of them in the presence of my son Bhupinder. The above mentioned payment was taken away by Ramesh and Anita in their car. 5. Thereafter, accused Ramesh, Anita (Present Petitioner) and Rohit said that the visa of your children has been granted and as asked by them, I purchased 6 thousand American Dollars in Rs. 4,53,000/- and I also gave Rs. 90,000/- as told by them that this amount will be spent in Kolkata. Thereafter, on 27.10.2021, the accused persons took away my son Bhupinder and my neighbour Rajesh @ Raja from Kaithal to Delhi and Delhi to Kolkata, where they kept them 3-4 days in a hotel in good condition. Then in the hotel they said that your ticket for America has been booked and after showing the fake ticket to the children,*

they kidnapped and kept them in street No. 3 at Kolkata and they also severe beatings to the children and after pointing gun on their head, they forced the children to say that we have reached in America, you give payment to the accused persons. On 30.10.2021, accused Ramesh and his son Rohit came to our house and took away Rs. 13 lakhs. On the said point of time, my other son Jitender was present. Thereafter, accused Ramesh got deposited Rs. 2 lakhs in the account of Baroda Milk Dairy. Thereafter, accused Ramesh and his wife Anita came to my house in their car and took Rs. 30 lakhs from me. At that time, my son Jitender was also present. That on the same day on 10.11.2021, at about 3 pm. I, received a phone call from my son Bhupinder and he said that accused persons have kidnapped us and our passport etc. is in their possession. From the place, where the accused persons have kidnapped us, we have come out of the said place by saving our lives, who reached at house with great hardship. 8. Thereafter, I asked the accused persons that you have cheated me and my neighbor of Rs. 68,74,000/- and played with the future of our above mentioned children. You may please return our above mentioned amount. Then the accused person said that we will return your payment within one month. But even passing of one month, the accused persons have not returned our money. Then I again demanded money and passport of our children, on which, the accused persons said that we will send them within two months. Thereafter, accused persons went to abroad and he came back after 6 months 9. That thereafter, I demanded the payment from the accused persons and accused Ramesh said that I will send your son and the other boy to America very soon, you may kindly believe me. Then again in the month of September 2022, the accused sent my son from Delhi to Bombay and then Bombay to Sri Lanka and from Sri Lanka to Indonesia Jakarta ande as asked by the accused persons Rs. 1500/- got deposited in google pay account of Manoj Garg, Rs. 65000/- got deposited in google pay account of Ramesh Gehlot, Rs. 50,000/- got deposited in google pay account of Heena and 200 Dollars took my son with him. In this way, accused persons cheated with total amount of Rs. 1,33,500/-, where they have kept my son hungry, thirsty till 24.03.2023 and tortured my son and they have also forced him to do work and send him again to India. 10. Thereafter, I asked the accused Ramesh that you returned my above mentioned money, then the accused said that your money will be returned within 5-7 days. Now about 2 days ago, when I asked the accused Ramesh, his wife Anita (Present Petitioner) and son Rohit to return my money of Rs. 70,07,500/- then accused refused to return the same and they have threatened to kill me and said that whatever you want to do, you can do, the administration can not cause any harm to me. 11. That the accused persons are cunning persons, Please be initiate a legal action against the accused person and on the above said application an FIR bearing No. 173 dated 13.05.2023 under Sections 364A, 370, 384, 386, 406, 420, 120B IPC and Section 24 of Immigration Act P.S. Pundri, District Kaithal was registered."

5. Counsel for the petitioner(s) submits that the petitioner(s) are not the main accused and

they have been roped in because they are the immediate family members. He further prays for bail by imposing any stringent conditions including surrender of fire arms, if any. In case, they repeat the offence and commit any offence where the sentence is more than 07 years, they would have no objection, if State files an application for cancellation of their bail. He further contends that pre-trial incarceration would cause an irreversible injustice to the petitioner(s) and their family.

6. The State's counsel as well as counsel for the complainant oppose the bail and submit that in case, this Court grants bail to the petitioner(s) that must be with clarification that the main accused shall not be entitled to bail on parity.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

> *"**Role of the petitioner in CRM-M-14843-2025***
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> *12. That the role of the petitioner is that the petitioner Anita @ Sunita is named in the FIR. Anita (also referred to as Sunita), wife of Ramesh, actively participated in the fraudulent act along with her husband Ramesh and Rohit. She accompanied Ramesh to the complainant's house on 22.10.2021, where they falsely claimed that the visa had been granted and took Rs. 2,50,000 in the presence of the complainant's son, Bhupinder. Later, on 10.11.2021, she and Ramesh again visited the complainant's house and took an additional Rs. 30 lakh. In total, the petitioner Anita alias Sunita and other accused, fraudulently obtained Rs. 70,07,500 from the victims under the false pretense of sending their children abroad. The victims were later trafficked and held captive in Kolkata before managing to escape.*
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> ***Role of the petitioner in CRM-M-18173-2025***
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> *14. That the role of the petitioner is that the petitioner-Rohit, son of Ramesh, is named in the FIR and he played a crucial role in the fraudulent scheme, actively assisting his father in deceiving the victims and collecting money. Accused Ramesh, Anita and Rohit (present petitioner) said that the visa of your children has been granted and as asked by them, the complainant purchased 6 thousand American Dollars in Rs. 4,53,000/- and he also gave Rs. 90,000/- as told by them that this amount will be spent in Kolkata. Thereafter, on 27.10.2021, the accused persons took away victim Bhupinder and Rajesh @ Raja Kaithal to Delhi and Delhi to Kolkata, where they kept them 3-4 days in a hotel. Then in the hotel they said that your ticket for America has been booked and after showing the fake ticket to the children/victims, they kidnapped and kept them in street No. 3 at Kolkata and they also severe beatings to the children/Victims and after pointing gun on their head, they forced the children to say that we have reached in America, you give payment to the accused persons. On 30.10.2021, accused Ramesh and Rohit (present petitioner) came to the complainant's house and took away Rs. 13 lakhs. Subsequently, Rs. 2 lakhs were deposited in the account of Baroda Milk Dairy as part of the fraud.*

REASONING:

8. Petitioner(s) were accompanying main accused Ramesh, who is husband of Sunita and father of Rohit at the time of collecting money. He is a main accused. Both the petitioner(s) neither received any amount from the complainant nor any specifie role has been attributed to them in the FIR. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner(s) makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. The investigation indicates that the petitioner(s) are not the main accused, so the petitioner(s) bail shall not be treated as a precedent for granting bail to the other co-accused with a higher role including co-accused Ramesh.

11. Given above, provided the petitioner(s) are not required in any other case, the petitioner(s) shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner(s) shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner(s) complying with the following terms.

14. *The petitioner(s) are directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator*. The petitioner(s) shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner(s) shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner(s) shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioner(s) shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner(s) shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police

officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner(s) notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. The significant consideration for granting bail is that the Court aims to give the petitioner(s) another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner(s) also abides by the assurance made on the petitioner(s)'s behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. <u>This bail is conditional, with the foundational condition being that if the petitioner(s) repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the Sessions Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.</u>

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

21. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.09.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.