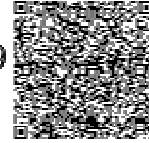


2025:PHHC:046719



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

103

**CRM-M-18545-2025 (O&M)
Date of decision: 04.04.2025**

Tamanna @ Tamana

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rishab Bhandari, Advocate
for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. Lupil Gupta, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 102 dated 20.03.2025, registered under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita, 2023 at Police Station Civil Lines, Sirsa.

2. Brief facts of the case relevant for the disposal of the present petition are that the aforementioned FIR has been registered on the basis of a written complaint lodged by complainant Dharam Singh alleging therein that he had applied for visa to go to Spain through one Kuldeep Singh and his clerk i.e. the present petitioner. His friends were also induced by the accused to part with money, on the pretext of sending them abroad. Co-accused Kuldeep

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Singh had taken an amount of Rs.3,00,000/- from him on 01.02.2025 in the presence of the present petitioner for the said purpose. He had previously given an amount of Rs.20,000/- in cash to co-accused Kuldeep Singh. However, the accused persons had given fake visa and tickets to the complainant and his friends and had duped them of a total amount of Rs.40,34,000/- and now they were not giving any response to the complainant. Rather, they were absconding. After registration of the FIR, investigation proceedings have been initiated. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Sessions Judge, Sirsa but the same had been dismissed, vide order dated 26.03.2025.

3. Learned counsel for the petitioner has argued that she has been falsely implicated in this case. The petitioner is a 20 years old girl and is pursuing her studies. She was only working as a Clerk in the office of aforesaid Kuldeep Singh and had nothing to do with the alleged transactions that had taken place between the complainant and co-accused Kuldeep Singh. There is no specific allegation against the petitioner. She is ready to join the investigation. No useful purpose would be served by detaining her in custody. Therefore, it is urged that the petition deserves to be allowed.

4. *Per contra*, learned Assistant Advocate General, Haryana, assisted by learned counsel for the complainant, has argued that there are serious and specific allegations against the petitioner. She along with above named co-accused had duped the complainant of a huge amount of money on the pretext of sending him abroad but had provided him fake visa and tickets. Recovery of the passport of the complainant and aforesaid amount of money is to be effected from the petitioner and co-accused. Co-accused Kuldeep Singh is still

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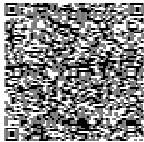


at large. Custodial interrogation of the petitioner is required for thorough investigation in the matter. It is, thus, urged that the petition is liable to be dismissed.

5. I have learned counsel for the parties at considerable length and have also perused the material placed on record.

6. The petitioner along with co-accused Kuldeep Singh is alleged to have induced the complainant and his friends to send them abroad and on that pretext, is further alleged to have duped them of an amount of Rs. 40,34,000/-. The complainant was neither sent abroad nor his money has been returned to him. Even the passport of the complainant is alleged to be in possession of the accused persons. A bare reading of the contents of the FIR reveals that there are direct and specific allegations against the petitioner. In order to conduct a proper and thorough investigation in the matter and also for effecting recoveries, the custodial interrogation of the petitioner is must. No sparing or extraordinary circumstance has been made to enlarge the petitioner on anticipatory bail. The well settled proposition of law is that while considering an application for grant of anticipatory bail, the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation or tampering with evidence including intimidating witnesses. The powers under Section 482 of BNSS are to be exercised in extraordinary and sparing circumstances. More so, 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. Many useful information can be disinterred during custodial

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interrogation. Keeping in view the discussion as made above, I am of the considered opinion that no extraordinary or sparing circumstance entitling the petitioner to seek concession of pre-arrest bail has been made out rather her custodial interrogation is required for thorough investigation in the matter by the police. Accordingly, finding no merit, the petition is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

04.04.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No