

2025:PHHC:070790



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

**CRWP-3624-2025
DECIDED ON:01.05.2025**

GEETA DEVI ROHAL

.....PETITIONER

VERSUS

STATE OF HARYANA AND ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sameer Sachdeva, Advocate and
 Mr. Varinder Singh, Advocate
 for the petitioner.

Ms. Mayuri Lakhanpal Kalia, DAG, Haryana.

SANDEEP MOUDGIL, J

1. The jurisdiction of this Court under Article 226 of the Constitution of India has been invoked for issuance of a writ in the nature of Habeas Corpus for the release of husband of the petitioner, who has been illegally detained by the respondents since 07.04.2025.

2. The learned counsel for the Petitioner has contended that the Petitioner's husband, Mr. Bijender Singh, was unlawfully and arbitrarily arrested on 07.04.2025, despite having been granted anticipatory bail protection by this Court in CRM-M No. 18461 of 2025. It is further submitted that the Petitioner is a whistleblower who exposed a large-scale financial scam involving the Human Welfare Credit and Thrift Cooperative Society, which has been defrauding hundreds of innocent investors since 2012 and has operated in the State of Haryana since 2016. The Petitioner

and her family were also among the victims of this fraudulent scheme. As a result of her relentless efforts to bring the scam to light, this Court took cognizance of the matter and, vide a detailed order dated 31.01.2025 passed in CRWP No. 584 of 2025, directed appropriate action against the perpetrators, including calling for an affidavit from the Director General of Police, Haryana. However, in what appears to be a retaliatory and vindictive act by certain police officials seeking to suppress the Petitioner's whistleblowing efforts, Mr. Bijender Singh has been maliciously implicated in multiple FIRs, despite there being no allegations or incriminating material against him. This wrongful implication is clearly an abuse of the criminal justice process. It is pertinent to note that this Court, vide order dated 03.04.2025 in CRM-M No. 18461 of 2025, granted anticipatory bail to Mr. Bijender Singh, directing him to join the investigation within one week. In compliance with the said order, he appeared before the concerned police authorities on 07.04.2025. Shockingly, he was arrested on the same day, in brazen violation of the anticipatory bail order and in contravention of his fundamental rights under Articles 21 and 22(1) of the Constitution of India. This arrest, being in contempt of the judicial protection granted to him, is void *ab initio* and constitutes a serious abuse of authority, as well as an attempt to derail the ongoing judicial proceedings in CRWP No. 584 of 2025 and related bail matters. Such conduct not only undermines the rule of law and the sanctity of judicial orders but also strikes at the very heart of constitutional protections afforded to citizens.

3. In light of the above, the Petitioner prays for urgent intervention of this Court by way of issuance of a writ of *Habeas Corpus* for the immediate release of her husband, a declaration that the arrest is illegal and unconstitutional, and further directions for initiation of disciplinary

proceedings against the erring police officials responsible for this unlawful act. Hence, the present petition.

4. Learned State Counsel has placed on record the additional affidavit dated 27.03.2025, sworn by Sh. Shatrujeet Kapur, IPS, Director General of Police, Haryana, which is duly taken on record. Attention is drawn to paragraph 4 of the said affidavit, wherein it is stated that on 04.03.2025, accused Parmanand was arrested during the course of investigation. During custodial interrogation, he confessed his involvement in the commission of the offence and, in his disclosure statement, implicated several other persons, namely Bijender Singh Ruhel (husband of the petitioner), Sameer Aggarwal, Shawab Hussain, Pariskhit Parse, Narender Negi, Pankaj Aggarwal, R.K. Sethi, Rajesh Tagore, and Sanjay Mudgil, as co-conspirators in the crime.

5. Subsequently, on 07.04.2025, accused Bijender Singh Ruhel appeared before the Special Detective Unit, Panipat, to join the investigation in connection with FIR No. 40 dated 27.02.2025, registered at Police Station Sanoli, Panipat, in compliance with the order dated 03.04.2025 passed by this Hon'ble Court in CRM-M 18461-2025. It is, however, clarified that there was no interim protection or stay against arrest granted in favour of the said accused in any other proceedings, particularly with respect to FIR No. 449 dated 12.11.2024, registered under Section 420 of the IPC and Section 25 of the BUDS Act, 2019.

6. On the basis of incriminating material collected during investigation, accused Bijender Singh Ruhel was formally arrested in FIR No. 449 in accordance with law. Thereafter, he preferred an application for regular bail before the learned Additional Sessions Judge, Panipat on 16.04.2025, which was dismissed vide detailed order dated 17.04.2025.

5. Heard learned counsel for the parties.

6. Upon a careful perusal of the reply filed by the respondent-State, it is evident that the husband of the petitioner has been arrested in connection with FIR No. 449 dated 12.11.2024, registered under Section 420 of the Indian Penal Code and Section 25 of the Banning of Unregulated Deposit Schemes Act, 2019.

7. It is a settled principle, as reiterated in “*State (NCT of Delhi) v. Sanjay Batra*”, (2004) 13 SCC 436, and “*Joginder Kumar v. State of U.P.*”, (1994) 4 SCC 260, that arrest must be based on credible material and justified grounds, and cannot be resorted to arbitrarily. In the present case, the arrest of the accused was effectuated only after the discovery of incriminating evidence linking him to the offence in question, thereby satisfying the parameters laid down by the Supreme Court for lawful arrest and custodial interrogation.

8. It is clearly established from the record that no interim protection from arrest or any other relief was granted to him by any competent court in the said FIR. Additionally, the husband of the petitioner namely Bijender Ruhel is found to be involved in at least six other criminal cases of a similar nature. This factual matrix sufficiently indicates that the petitioner does not have clean antecedents, and this Court cannot overlook such material conduct while exercising its equitable jurisdiction under Section 482 Cr.P.C. or Article 226 of the Constitution of India.

9. It is further apparent that the petitioner has approached this Court by suppressing material facts and misrepresenting the circumstances, in an apparent attempt to mislead the Court and gain an undue advantage. Such conduct amounts to an abuse of the process of law and undermines the sanctity of judicial proceedings.

10 The Apex Court in “*K.D. Sharma v. Steel Authority of India Ltd.*”, (2008) 12 SCC 481, has unequivocally held that a litigant who approaches the Court must come with clean hands, and suppression of material facts or filing a petition with misleading statements warrants dismissal. Similarly, in *Dalip Singh v. State of U.P.*, (2010) 2 SCC 114, the Apex Court observed that courts must take a firm stand against dishonest litigants and impose realistic costs to curb frivolous litigation.

11. In view of the foregoing, this Court finds that the present petition is devoid of merit, has been filed with *mala fide* intent, and amounts to abuse of process. Accordingly, the petition deserves to be dismissed with exemplary costs.

12. Dismissed with a cost of Rs.1,00,000/-, which shall be deposited with the Punjab and Haryana High Court Employees’ Welfare Association within a period of two weeks from the date of issuance of a certified copy of this order.

13. Registry is directed to list the matter after ensuring the compliance of this order.

(SANDEEP MOUDGIL)
JUDGE

01.05.2025

Sham

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*