

2025:PHHC:059750



103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24282-2025
Date of Decision: 06.05.2025

Neha Kumari ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Mandeep Nehra, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Vishal Sharda, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (ORAL)

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.217 dated 18.04.2025 under Sections 406/420/120B of IPC 1860, registered at Police Station Ladwa, District Kurukshetra (Annexure P-1).

2. Succinctly facts of the case are that FIR in the present case has been lodged on a complaint filed by Sumer Chand. It has been alleged that he sold his agricultural land of 6½ acres in the year 2020 for consideration of Rs.1,72,00,000/- (Rs. One crore and seventy two lakhs only). He met Karna, who already knew him. Petitioner-complainant was allured by him on saying that he would double the amount and thus, he took him to Harbir Singh. He was asked to give 5-6 bank accounts number to get doubled money deposited in those accounts. He was shown machine in which currency notes were to be

prepared. By alluring, the total amount taken from the complainant was allegedly Rs.41,73,000/-. Neither this money was returned nor the same was doubled. The complainant alleged that he found himself duped with this heavy amount, thus, request was made to take legal action against the accused persons. On registration of the FIR, the investigation commenced and during investigation, the complicity of the petitioner Neha Kumari was also *prima facie* established and thus, she has also been arrayed as an accused in the present case. Apprehending her arrest, she approached the Court of Ld. Additional Sessions Judge, Kurukshetra praying for the grant of anticipatory bail. However, after hearing both the sides finding no merit in the petition filed by the petitioner, the Ld. ASJ, Kurukshetra dismissed the same vide order dated 29.04.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. It has been vehemently submitted by the learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He submits that there is a delay of about 02 years in registration of the FIR as the incident pertains to the year 2023. He further submits that from the bare perusal of the FIR, it is evident that no role is attributed to the petitioner. He further submits that it is evident from the FIR lodged that the same has been lodged after due deliberations only in order to falsely implicate the petitioner in the FIR. He, thus, submits that from the facts and circumstances of the present case, *prima facie* as alleged no case is made out against the petitioner and hence, she deserves to anticipatory bail.

4. Mr. Vishal Sharda, Advocate puts in appearance on behalf of the complainant and has filed Power of Attorney, which is taken on record. He has vehemently opposed the submissions made by counsel for the petitioner. He

submits that the petitioner along with her husband and other co-accused had duped the complainant of a heavy amount. He submits that investigation of the case would be seriously prejudiced by granting anticipatory bail to the petitioner.

5. Learned State counsel has also vehemently opposed the submissions made by the learned counsel for the petitioner. He submits that petitioner along with co-accused is involved in duping the innocent persons. It is submitted that the husband of the petitioner himself is also a co-accused in the present case. The complainant has been duped of an amount of Rs.41,73,000/-. The investigation is at the threshold and free and fair investigation is essential for unraveling the mystery in the case. He submits that granting anticipatory bail to the petitioner would scuttle the ongoing investigation. He submits that the petition is devoid of any merit and the same deserves to be dismissed.

6. Heard.

7. On hearing the learned counsel for the parties and from the perusal of the record it is inferred that there are specific allegations made in the FIR that the complainant had been allured by the accused persons for making the amount double with the machine they had with them. The complainant had been deceived and thus, gave Rs.41,73,000/-. However, he found himself duped as neither this money was returned nor the amount was got doubled as was promised to him. The complicity of the petitioner is also *prima facie* found along with co-accused. Needless to say, that investigation is at threshold and the allegations made in the FIR are very serious in nature. A free and fair investigation is necessary and essential in the present case.

8. For the consideration of anticipatory bail, the statutory parameters

are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.

2. 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.”

9. The Hon'ble Supreme Court in State represented by ***CBI Vs. Anil Sharma, (1997) 7 SCC 187*** has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument

can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

10. The Hon’ble Apex Court in plethora of judicial precedents including *Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632*, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

12. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in her favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

13. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

06.05.2025

Parveen kumar

(RAJESH BHARDWAJ)
JUDGE

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