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2025:PHHC:061939



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25583-2025
DECIDED ON: 12.05.2025

SHARDA KUMARI

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Dushyant Rana, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)1. Relief sought

The jurisdiction of this Court has been invoked for the second time under Section 482 BNSS for the grant of Anticipatory Bail to petitioner in the case of FIR No.50 (Annexure P-1) dated 03.03.2024 U/s-420 and 406 of IPC registered at Police Station- Hansi Sadar, District Hansi.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Sir, Senior Superintendent of Police Hansi dated 15.1.2024., Subject: in name of sending abroad commission of fraud, cheating, mental harassment and extortion. Sir, I am Rajendra Kumar son of Jabir Singh son of Chandu lal resident of village Masudpur Tehsil Hansi district Hisar. I am writing to you about the fraud, cheating, mental harassment and extortion committed on me and for lodging the FIR. The accused are Hardeep son of Shamsher singh village Dharidi (Jind), father of Shamsher Singh, Hardeep's wife Sharda, Naresh son of Gyani village Kinnar, his partner is Sonu of Village Jheel, 9058588561 Amandeep singh Deol, Jasdev

Chahal. I expect appropriate action from you. The details of the fraud committed with full evidence are as follow :- I Rajendra kumar and my brother Rajesh wanted to go abroad. We were preparing to go abroad. Meanwhile, we talked to my mother's aunt' son in law i.e. her daughter's husband, whose name is Naresh son of Gyani, who lives in village kinnar. As we wanted to go abroad, he told us that the husband of his sister (uncle's daughter), Hardeep Singh is doing work of sending people abroad in the village and he told us that Hardeep has sent many children's abroad. Naresh is our relative, so my father keeping in mind our relation, that he is from our acquaintance and he is our relative so we trusted him. Naresh assured us that Hardeep will do good work. On the trust of Naresh, we did not make any further any inquiries. We talked to Hardeep through Naresh. We did not know Hardeep directly. Our conversation was through Naresh. Naresh was responsible for all the conversation. On the asking. of Naresh, we gave all the documents to Hardeep. Hardeep's wife and his father were also in this conversation. The whole family knew that we were getting work done from Hardeep. Hardeep wife was also in the middle of the every talk. Hardeep father also assured that no problem will accrue. We talked about Australia's visa regarding which Hardeep said that he will get visa for 25-25 lakhs. We wanted to get a study or work visa, while Hardeep said that he would get a tourist visa from here and later change it to work or study visa there in Australia. At first we did not agree on this matter, but later on we agreed Naresh took the whole responsibility. Naresh told us that if something happens tomorrow, it will be his responsibility; witness of this conversation is my uncle's son Sandeep son of satpal village Lalrod and Sarandeep, Ajay, village kakarod. On 22/03/23, we got a call from Hardeep that he would get the visa in a day or two. I said how will the visa be granted like this, then Hardeep said that this is his responsibility and even Naresh told us not to worry. On 25/3/23, Hardeep send us my and my brother's visa. We

were very happy after seeing visa. We had no idea that visa fraud could also happen to us. We were convinced by trust given by Naresh and Hardeep. After that, Hardeep asked for full payment in cash. After talking to Naresh, we paid Hardeep's Rs 23 lakhs rupees in his account and 20 lakhs cash to Hardeep in his house in the presence of his wife's and father. On the request of Hardeep we transferred amount into to the three different accounts of Hardeep's friends. My brother Rajesh, transferred 10 lakhs in account of the person whose name is Amandeep singh deol. Second, my uncle put five lakh rupees in the account of Sonu resident of jheel and also put five lakh rupees in the account of Jasdev chahal. Apart from this, my uncle directly deposited two and a half lakh rupees into Jasdev chahal account from his friend account, beside this, we deposited Rs 50000 through google pay online in the account of Sharda hardeep's wife. We transferred this amount on the asking of Hardeep. The proof which is attached alongwith this application. After this Hardeep send us my brother Rajesh's ticket which was fake. He gave the first ticket on 1/4/23 which was from Delhi to Melbourne Australia. He kept us Delhi for 3 days, by saying that the flight will be tomorrow night. He spent our three days there saying this only. After that we come back home, Hardeep made us spent about 50,000 rupees there, which he said he will give. Then he used to say everyday that he will do it tomorrow. By doing this, he spent a month. After that he sent a ticket of 6-5-23 which was also fake. After this we pressured Hardeep to give us our money back. Then on 14/5/23 we took Naresh and went to Hardeep house to his father and wife who were also in the midst of all work. They said to us if it is not done in this month, then your money will be returned to you. Then we went to Hardeep on same day, who was in Bathinda. On that day, we started pressuring Hardeep to give us our money, so Naresh said that we should give him one week's time. Then we said that if our work is not done in week, then who will take responsibility for the money,

then Naresh said that if work did not happen in a week then we should take money from the Naresh shop (which is in khedi tehsil). We agreed on this. I, uncle Sandeep, Sharandeep and the driver Gadgu was also present in this talk. We came back from there because of Naresh assurance. As if there was pressure on Hardeep, he got the ticket of 22/5/23 for my brother Rajesh., The information about which was first given to us by Naresh himself by phone, then Hardeep brought the ticket. On that day we said that even today if we miss the flight then we will not go without taking our money from here. So both Naresh and Hardeep said that it is fine. On that day, Hardeep asked my brother to delete all his whatsapp chats from his phone, so we realized something is wrong. We asked Hardeep that why are you doing this, he said that there is nothing to worry about Hardeep said that he has a conversation with immigration and there is his man who will see everything. We also told naresh that there is something wrong, so Naresh said that you should not panic, nothing will happen. After that, my brother took off from delhi. As soon as the flight took off, Naresh called us that see nothing was wrong. Hardeep's wife also got a call, she said that everything is fine and there is no problem. We were also happy because for the first time Hardeep got the ticket right. His flight had five hour layover in bangkok, Thailand. My brother went there and called Hardeep, then said "wait don't sit on the next flight, my man will come to us there and do all the work". The time for the flight was running out, but Hardeep did not let him go further. Then my brother had to get an arrival visa there. After that whole day my brother spent there in airport. Hardeep kept saying that i am sending the ticket in an hour. Soon the next day passed. Then I booked a hotel here from india online for my brother and Hardeep didn't do anything. Hardeep said that he will give all the expenses. Three days passed but Hardeep did not get the ticket. Over there one man of Hardeep is with my brother in room who used to keep an eye on my brother all these days.

Whenever we talked to my brother, he used to stand outside the window and listen. My brother was also in danger of dying there. Hardeep did not get any ticket. My brother health was getting worse. He started to fear there that Hardeep will harm him there. The next day, a man of Hardeep came here to whom Hardeep said that he will get the ticket. We got my brother's ticket back to Delhi that day because Hardeep was not getting his ticket to Australia and my brother's health was getting worse there under tension. That day Hardeep said that H will get the ticket in a day or two and give it to us. If it didnot happens, then he will pay our money back.' We stopped my brother for one more day because of that. After another two days Hardeep did not get the ticket. Then my brother called me that he is feeling very scared there because the movement of Hardeep's man there, he was also in danger of his life there, so I booked my brothers return ticket at the same time, called him back. We did not tell Hardeep about this ticket because if his men were there, he could have done anything to my brother. After my brother came back from there, we called Naresh that we want our money back, then Naresh said that it is ok, your money will be returned. Hardeep said that he will give money in ten days. A month passed in no time. Hardeep stopped picking our phone. Then we said to the Naresh you have taken responsibility, so bring our money because Hardeep was not picking up our phone. We did panchayat at Naresh house many times but Naresh did not put any pressure on Hardeep. Because the Naresh had taken the responsibility for our money, it was necessary that we should do panchayat at the Naresh house. Naresh said in the panchayat that he will soon talk to Hardeep and get our money back. We went to Hardeep house two or three times to take the panchayat but neither did Hardeep meet us nor did he answer our phone calls. We also told his wife and father because they were also in the middle but no one is giving any answer. Hardeep even started threatening us on phone that we should do whatever we want

but he is not returning the money. Then we went to Naresh house for panchayat then Hardeep told naresh that it is fine, he will meet and give money. He asked us to come to his flat in Chandigarh. We did not know that he has flat in Chandigarh. We went to Chandigarh to meet him, then he didnot meet us there that day and said he left for Delhi, Vinod had gone with us from naresh's house. But we found that Hardeep is lying. He was at village at that time. So we went to his house without telling him, he was sleeping. we told him that his father, his wife, all three who were among the conversation with us, to give our money to back to us and we will vdo nothing. Hardeep said that he has given all money to his partner Amandeep singh Deol. Hardeep said that he is in Bhatinda. Hardeep father said that we should take Hardeep with us and find out whether he is speaking the truth or not whether Aman is there or not. We tookHardeep from there but there was no Aman. Then we brought Hardeep back to his house and we asked his father and his wife to pay us back our amount within 15 days time. Now Hardeep is not picking up the phone and Naresh is also not answering. We have to recover 46 lakh rupees from Hardeep, we have transferred 23 lakhs in his account and paid 20 lakhs in cash and 2 lakhs of expenses which he assured us to return and 1 lakh which we paid in Delhi. All this we have to recover what from Hardeep. I am expecting from you that all our money that we given and whatever expenses we had borne will be recovered from, Hardeep and proper action will be taken Hardeep, his wife Sharda, his father Shamsher, Naresh, Amandeep singh deol his partner Sonu, his partner Jasdev Chahal so that they will not commit fraud on any other person. I am expecting prompt action. Thanks.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that there is an inordinate delay of more than 11 months in lodging the instant FIR as the

occurrence took place on 22.03.2023 whereas the FIR was registered on 03.03.2024. He further contends that the petitioner is not a habitual offender as she is not involved in any other case. The co-accused namely Jasdev Chahil and Naresh have already been granted the concession of anticipatory bail by this Court vide orders dated 26.03.2025 and 14.06.2024 passed in CRM-M-12948-2025 and CRM-M-29985-2024 respectively, copies thereof have been produced today in Court by learned counsel for the petitioner, which are taken on record. The petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned, as has been undertaken before this Court by learned counsel for the petitioner.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that the petitioner is the wife of the main accused Hardeep Singh, in whose account alleged amount of Rs.50,000/- was credited.

4. **Analysis**

Be that as it may, considering the facts that there is an inordinate delay of more than 11 months in lodging the instant FIR as the occurrence took place on 22.03.2023 whereas the FIR was registered on 03.03.2024; co-accused namely Jasdev Chahil and Naresh have already been granted the concession of anticipatory bail by this Court vide orders dated 26.03.2025 and 14.06.2024 passed in CRM-M-12948-2025 and CRM-M-29985-2024 respectively as well as considering the undertaking given before

this Court by learned counsel for the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigation officer concerned.

5. **Relief**

In the light of above, 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.

12.05.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No