

**CRM-M-30801-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Case No. : CRM-M-30801-2025****Decided On : August 22, 2025**

Urvashi Sharma Petitioner
vs.
State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. R. K. Singla, Addl. A. G., Haryana.

Mr. Manish Soni, Advocate
for the complainant.

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SUKHVINDER KAUR, J. :

Prayer in the present petition, filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.328 dated 16.06.2023, under Sections 420, 406, 120-B IPC, registered at Police Station Model Town, Rewari, District Rewari.

The FIR in the present case has been registered on the basis of complaint dated 13.05.2023, made to SHO of Police Station Model Town, Rewari, wherein the complainant Kanwar Singh stated that in the year 2017, he along with his younger brother namely Krishna were approached by accused Vinay Kumar Sharma, his wife Urvashi Sharma (present petitioner) and their two sons namely Jai and Anshul, for purchasing their land. An agreement to sell dated 24.04.2017 was entered into between the parties and



an amount of Rs.1,10,00,000/- was transferred to the accounts of all the aforesaid four persons through RTGS. The land in question was given on lease and after getting the said lease removed, the sale deed of land was to be executed in favour of complainant and his brother. However, the accused party did not get released the said land from lease. Rather, they sold the land in question to someone else without cancelling the agreement to sell executed with the complainant and his brother, thereby causing breach of trust and embezzlement of aforesaid amount of Rs.1,10,00,000/-. When asked, the accused party handed over the cheques to the complainant in order to return their money, but all the cheques were dishonoured. In these circumstances, the complainant moved the present complaint to get the FIR registered against them.

Learned counsel for the petitioner contended that the complaint in this case was moved by the complainant after lapse of more than six years. The complainant could avail remedy by way of filing Civil Suit for specific performance and the dispute is entirely of civil nature. There was no intention of the petitioner to cheat the complainant or to commit misappropriation of his funds. A complaint under Section 138 of the Negotiable Instruments Act has already been filed by the complainant regarding dishonouring of the cheques and only to put pressure upon the petitioner, the present FIR has been lodged. He further contended that once the complainant has availed the remedy under the law, he cannot avail another remedy for same offence and for the same cause of action. Initiating criminal proceedings for a purely civil dispute and that too after lapse of more than six years appears to be an instrument for harassment. He



submitted that the petitioner is ready and willing to join the investigation and her custodial interrogation is not required for any purpose and therefore, she be granted concession of anticipatory bail.

In support of his contentions, learned counsel has placed reliance upon a judgment dated 22.07.2024 of Hon'ble Supreme Court, passed in **Criminal Appeal No.3020 of 2024** titled **Radheyshyam & Ors. vs. State of Rajasthan & Anr.** He has also relied upon another Supreme Court judgment dated 16.04.2025, passed in the case titled **Rikhab Birani & Anr. vs. State of Uttar Pradesh @ Anr.** (arising out of SLP (Crl.) No. 8592 of 2024).

Notice in this case was issued on 29.05.2025 and Status Report was called from the State, which has already been filed and placed on record on 02.07.2025.

Learned State counsel vehemently opposed the present bail petition while contending that the petitioner, along with others, caused loss of Rs.1,10,00,000/- to the complainant, by fraudulently misrepresenting that the land in question was free from all encumbrances. The petitioner and her co-accused, with a dishonest intention from the very beginning, embezzled the amount of Rs.1,10,00,000/-, which is yet to be recovered from the accused party. In these circumstances, if the petitioner is granted concession of anticipatory bail, it may hamper the investigation and it would be very difficult for the investigating agency to pursue the matter in a proper manner. It has, therefore, been argued that the present petition deserves outright dismissal.

As per the allegations, the petitioner and her co-accused



executed an agreement dated 24.04.2017 in favour of complainant and his younger brother and as per the terms of the said agreement, an amount of Rs.1,10,00,000/- was transferred to the accounts of the accused persons. The land in question was under lease and as per the agreement, the accused persons were to get the lease cancelled and then get executed the registered sale deed in favour of complainant and his brother. However, the petitioner, in order to defeat the complainant’s rights and in criminal conspiracy with other co-accused executed the gift deed in favour of Jyoti Sharma – her sister-in-law and land was subsequently sold to a third party. The petitioner executed gift deed after executing the agreement and receiving a substantial amount of Rs.35,00,000/- in her bank account and had been instrumental in defrauding the complainant and she had played an active role in commission of alleged offence. The case law, cited by learned counsel for the petitioner, is of no help and is distinguishable from facts of the present case.

Keeping in view the peculiar facts of this case, when specific allegations are qua the petitioner regarding executing of gift deed in favour of her sister-in-law, after executing the agreement to sell and receiving Rs.35,00,000/-, no ground for granting anticipatory bail to the petitioner is made out. Accordingly, the present petition stands dismissed.

Pending application(s), if any, shall stand disposed of along with the present petition.

August 22, 2025
monika

(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.