IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31015-2025 (O&M)
Reserved on: 09.07.2025
Pronounced on: 31.07.2025

Reshma Balachandran Pillai ...Petitioner

Versus

State of Haryana …Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. James P.Thomas, Advocate and
Mr. Atul Maliyan, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Lohit Bimal, Advocate,
Mr. Raghav Bimal, Advocate and
Mr. Sunit Jain, Advocate,
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	**Dated**	**Police Station**	**Sections**
273	03.11.2024	Udyog Vihar, Gurugram	420, 120-B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In the bail application, the petitioner is silent about criminal antecedents.

3. The facts and allegations are being taken from the status report filed by the State, which reads as follows:

> *"3. That the facts leading to the registration of the FIR aforementioned are that a complaint was moved by the M/s NexG Platforms Pvt. Ltd. (hereinafter referred to as the "Complainant Company") through its duly authorized representative, Mr. Harsh Nagar, Assistant Manager (Legal), against the accused company M/s Artzsource Technology Pvt Ltd, pursuant to a Letter of Authorization dated 29.08.2024, wherein it was stated that the Complainant Company is engaged in the business of providing telecommunication and IT-enabled services, including bulk SMS/voice services and value-added communications. It was further contented by the complainant company that in the year 2022, the accused persons, Annesh Kumar and Reshma Balachandran, had approached the Complainant and represented themselves as Directors of a well-established company serving a wide customer base. Relying upon their representations regarding sound financial health and goodwill in the market, the Complainant entered into a Master Services Agreement dated 27.06.2022 with the accused company. In*

> *accordance with the agreement, the Complainant rendered services on various occasions from June 2022 onwards and raised corresponding invoices, which were duly acknowledged by the accused persons without any dispute. Despite repeated assurances from the accused, no payments were made. It was further asserted that as part of the assurances, two undated security cheques were issued by the accused in October/November 2022 in favour of the Complainant Company, as security for current and future dues. The following are some of the invoices raised and acknowledged by the accused: Invoice No. NEXGP/002/23-24 dated 01-04-2023: Rs.49,54,292/-, Invoice No.NEXGP/072/23-24 dated 01-05-2023: Rs.1,04,006/-, invoice No.NEXGP/121/23-24 dated 01.06.2023: Rs.3,37,710/-, Invoice No.NEXGP/197/23-24 dated 02.07.2023: Rs.4,76,494/-, Invoice No. NEXGP/290/23-24 dated 03-08-2023: Rs.4,80,382/-, Invoice No. NEXGP/400/23-24 dated 03-09-2023: Rs.3,71,669/-. The complainant company had asserted that as of 14.05.2024, the total outstanding liability of the accused stood at Rs.78,45,141/ inclusive of 18% p.a. interest. Despite repeated follow-ups and demand notices, including a formal demand letter issued in May 2024, the accused continued to delay and avoid payment. Thereafter, on 25.05.2024, Mr. Aneesh Kumar sent an email promising to remit Rs.5,00,000/- monthly from June 2024 onwards and had encouraged the Complainant company to deposit one of the security cheques in case of non-payment. Subsequently, upon failure to receive the promised payment, the Complainant company presented Cheque No.015251 for Rs.67,26,000/-, which was dishonoured with the remark "Account Closed." It had subsequently been revealed that the relevant account had been closed in 2021, thereby exposing the malafide intent of the accused. The complainant company had asserted that the accused persons, through fraudulent misrepresentations and deliberate omissions, had committed acts of cheating and dishonest inducement, criminal breach of trust, fraudulent suppression of material facts, dishonest prevention of rightful debt recovery, use of invalid financial instruments (cheques) with full knowledge of their invalidity. It had further come to the knowledge of the Complainant through reliable sources that the accused were attempting to permanently relocate to Dubai and shift their operations under a new entity, Artzsource Exports LLP, in a bid to evade liability and avoid prosecution. The actions of the accused clearly indicated a premeditated criminal conspiracy, executed with fraudulent intent gain unlawful enrichment and to cause financial harm to the Complainant. Legal action was sought. On the basis of these allegations, the aforementioned FIR was registered and investigation was taken in the present matter."*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and her family. He further submits that the petitioner shall surrender her passport by 15.07.2025 and handover affidavit to the Bench Secretary of this Court.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The complainant's counsel opposes bail and submits that the petitioner is at flight risk.

7. The State's counsel opposes bail and refers to the status report.

8. It would be appropriate to refer to the following portions of the status report, which read as follows:

> *"10. That as per the investigation, the petitioner has played a key role in the commission of the present crime. Petitioner's conduct in the commission of the crime demonstrates a deliberate and calculated intent to defraud the complainant company, cause wrongful financial loss, and obstruct lawful debt recovery. The issuance of security cheques from a bank account that had already been closed in year 2021 revealed a prima facie case of criminal intent and deception from inception. Furthermore, the timing and circumstances surrounding the petitioner's subsequent legal actions raise serious questions about their authenticity and bona fide nature.*
> *11. That furthermore, the petitioner's belated assertion that she had filed complaints under the Domestic Violence Act and invoked provisions of Section 144(1) of the Bharatiya Nagarik Suraksha Sanhita 2023 against her husband appears to be a strategically orchestrated defence rather than one arising from genuine grievances. The chronological sequence revealed these complaints had been initiated only after the present First Information Report had been formally lodged against her, suggesting these actions constitute deliberate attempts to create exculpatory evidence and establish a defensive narrative rather than representing legitimate legal remedies pursued in good faith."*

REASONING:

9. Dispute between the complainant and petitioner is qua business, petitioner failed to pay the amount of stock whatever he received, complainant-company also uses cheque issued by the petitioner and co-accused which were dishonored on the face of record it is a civil dispute qua recovery of amount and the State fails to make out a case of custodial interrogation. Further, the petitioner surrenders her passport and filed affidavit dated 19.07.2025.

10. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

11. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegation, petitioner is a woman and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

12. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. This order is subject to the petitioner's complying with the following terms.

15. *<u>The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator</u>*. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

17. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

18. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

19. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

21. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

22. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.