



CRM-M-41262-2025
209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41262-2025
Decided on: 16.09.2025

Sheetal ...Petitioner

Versus

State of Haryana and another ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Shivansh Malik, Advocate
for the petitioner.

Mr. Birender Bikram Attray, AAG, Haryana.

Mr. Ishant Khangwal, Advocate
for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
647	09.10.2024	City Hansi	406, 420 IPC and Sections 201, 120B IPC & 21(3) BUDS Act added later on

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 paragraph 8 of the bail petition, the accused declares that she has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the case are that a complaint made by the complainant namely Nitin Kumar son of Harish Kumar. The complainant alleged that he used to run a photostate shop at Hansi and he came into contact of Virender Balhara (husband of present petitioner) through one Jitender Kumar. Co-accused Jitender Balhara allured him to invest money in his Elite Trading Company on the return of 8.33% interest. At the instance of co-accused Virender Balhara, the



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complainant invested Rs.5 Lacs on 30.09.2023, Rs.44.50 Lacs on 19.12.2023, Rs.5 Lacs on 31.12.2023, Rs.5.17 Lacs on 11.01.2024, Rs.4 Lacs on 19.02.2024, Rs.31 Lacs on 29.02.2024 and Rs.1 Lac on 07.03.2024. Thus, a total amount Rs.1,00,50,051/- through cash as well as on-line in the account of co-accused Virender Balhara, who is the husband of the present petitioner namely Sheetal. In token of receiving this amount, co-accused Virender Balhara also issued the receipts and security certificate to the complainant. However, when the complainant raised the demand of profit as well as to return the invested amount, co-accused Ravinder Balhara starting put off the matter on one pretext or the other. He also threatened the complainant to face dire consequences if he again contacted with him for the demand of his money. Investigation has been carried out on the complaint and it has been found that co-accused Virender Balhara had been credited an amount of Rs.60,00,000/- by the complainant Nitin. It has also been found that co-accused Virender Balhara had given six security certificate of deposits of Elite Trade World Limited to the complainant Nitin and same were possessed by the enquiry officer during enquiry on the complaint. In pursuance of the enquiry search the co-accused at his addresses but he didn't find anywhere. On the basis of enquiry and facts of the complaint, a case bearing FIR No. 647 Dated 09.10.2024 under section 406, 420 IPC was registered at Police Station City Hansi, District Hisar."

4. The petitioner's Counsel submits that petitioner's husband has filed a quashing petition on the basis of compromise, in which report of the trial Court has been received and statements have been recorded regarding compromise. Thus, the matter stands compromised with all the victims.

5. The victims' Counsel also admits the factum of compromise and states that they have no objection to the petitioner's bail.

6. 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 their family. Counsel further 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



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petitioner shall have no objection.

7. The State's counsel opposes the bail.

REASONING:

8. I have gone through the statements of the parties, recorded before the trial Court, annexed with CRM-M-47198-2025, wherein factum of compromise admitted.

9. Because of no objection to the bail by the victim(s), this Court is inclined to grant bail with clarification that this bail on compromise shall not amount to the acceptance of the compromise by the prosecution or the Court.

10. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.¹ Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case.² Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.³

11. Given the compromise, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance with the terms and conditions mentioned in this order. 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. The petitioner's bail shall not be treated as a precedent for granting bail to other co-accused, if any, as bail to petitioner granted only because of compromise.

13. 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

¹ Supreme Court of India in *Vaman Narain Ghiya v. state of Rajasthan*, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

² Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

³ Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.



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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.

14. 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)	

15. This order is subject to the petitioner’s complying with the following terms.

16. The petitioner is directed to join the investigation as and when called by the Investigator. 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.

17. 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.

18. 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.

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

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20. 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.

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

(ANOOP CHITKARA)
JUDGE

16.09.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.