**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

225 **CRM-M-42821-2025**
Date of Decision : 17.11.2025

ANJALI
......PETITIONER

Versus

STATE OF HARYANA
...... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Rajesh Bansal, Advocate
for the petitioner.

Mr. Arun Kumar Gujjar, AAG, Haryana.

*****

SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 120-B, 406, 420, 506 of IPC, 1860 [Section 3 of Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 and Section 21(1) (2) (3) of Banning of Unregulated Deposit Scheme Act, 2019 added later on], the FIR No.0037 dated 12.03.2025, has been lodged in Police Station City Safidon, District Jind. With regard to commission of above mentioned offence, the petitioner has been arrested. He is in custody, and therefore, craving for the concession of bail. This is first petition for bail, filed by the petitioner, under Section 483 of BNSS.

2. In nut-shell, the facts emerging from record are that the FIR of this case came into being at the instance of Naveen, hereinafter being referred to as 'complainant' only, against 05 persons namely Rinku Dhanda, his wife Sonia Dhanda, Nirdosh Kumar, Manager Ms. Anjali and Manpreet Singh. It was

stated by the complainant that the accused Nos.1 and 2 had formed fake companies in the name of “G.F.X. Academy Trade Private Limited Panipat” and “G.F.X. Academy Private Limited Panipat”. As per complainant the above-named accused had floated scheme by projecting that any investment made therein would be doubled within a period of 40 weeks. According to complainant impressed by the above-mentioned attractive offer he had invested money in the above-mentioned company under the assurance that he will receive profit @ 5% per week. According to complainant alongwith him Sachin, Rohit and Lavish, too, had invested in the above-mentioned schemes and that initially there were few investors and the profit was earned by them. As per complainant they promoted the above-mentioned scheme amongst their relatives friends and other persons and thus, about 1500 persons invested more than Rs.12 crores in the company of accused Nos. 1 and 2. It was further stated by the complainant that later on the accused failed to return the above-mentioned money and thus, they (complainant & others) have been subjected to fraud.

3. It is the case of the prosecution that on the basis of above-mentioned statement formal FIR of this case came into being and the investigation taken up. According to prosecution during the course of investigation the petitioner and her husband Nirdosh Kumar have been arrested.

4. Heard.

5. It has been contended on behalf of petitioner that the petitioner is innocent having no nexus whatsoever with the commission of crime and that she has been falsely implicated in the present case. According to learned

counsel for the petitioner, the petitioner was only an employee in the company and therefore, she has nothing to do with the money, which was invested by the complainant and other investors, and that any profit arising out of the scheme had never come to the account of petitioner. It has also been argued by learned counsel for the petitioner that although subsequently the petitioner solemnized marriage to accused No.3-Nirdosh Kumar but the accounts, wherein the money came has always been operated by Nirdosh Kumar only and therefore, the petitioner cannot be treated to be a beneficiary of the fraudulent activities, if any.

6. In addition to above, the learned counsel for the petitioner has also argued that the petitioner has already suffered a lot of incarceration for being in custody for a period of more than 6½ months and that the offence is triable by the Court of Judicial Magistrate. According to learned counsel for the petitioner in order to show her bona fide, the petitioner who is otherwise a very poor lady is ready to deposit Rs.50,000/- in the Court which may be disbursed to the complainant.

7. Per contra, the learned State counsel has argued that petitioner is one of the main accused alongwith other four co-accused, and that she was instrumental in duping the investors and a sum of Rs.2,10,000/- had come into the joint account of accused and his co-accused Nirdosh Kumar. According to learned State counsel, the petitioner cannot shy away from her responsibility as in her joint account a part of money invested by the petitioner, was deposited. It has also been contended by learned State counsel that otherwise also there is no undue delay in trial and therefore, the ground of prolonged incarceration is not available to the petitioner. As per learned State counsel, the petitioner is not

entitled for the benefit of bail.

8. Heard.

9. The record has been perused carefully.

10 A perusal of record shows that in the present case, following are the relevant factors which are required to be taken into consideration, before arriving at any decision with regard to present petition for bail: -

i) that the offence for which the petitioner is being prosecuted is triable by the Court of Magistrate;

ii) that the petitioner is already facing prolonged incarceration for being in custody for a period of more than 6 ½ months;

iii) that detention of petitioner in judicial lock-up is not likely to serve any useful purpose;

iv) that the maximum punishment prescribed for the offence, allegedly committed by the petitioner is imprisonment up to 07 years;

v) that the benefit of bail has already been afforded to the petitioner in similar cases;

vi) that there is nothing on record to show that if released on bail, the petitioner may tamper with the evidence or influence the witnesses;

vii) that there is nothing on record to show that if released on bail, the petitioner will not co-operate/participate in the trial;

viii) that the trial is not likely to be concluded in near future;

ix) that to show her bona fide the petitioner is ready to deposit Rs.50,000/- before the learned trial Court, for disbursement to the complainant.

11. With regard to the legal aspect involved in the instant case, the principles of law laid down by the Hon'ble Supreme Court in the case of "***Dataram versus State of Uttar Pradesh and another", 2018(2) R.C.R.***

(Criminal) 131**,** are relevant, wherein it has been observed that "*a fundamental postulate of criminal jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. However, there are instances in our criminal law where a reverse onus has been placed on an accused with regard to some specific offences but that is another matter and does not detract from the fundamental postulate in respect of other offences. Yet another important facet of our criminal jurisprudence is that the grant of bail is the general rule and putting a person in jail or in a prison or in a correction home (whichever expression one may wish to use) is an exception. Unfortunately, some of these basic principles appear to have been lost sight of with the result that more and more persons are being incarcerated and for longer periods. This does not do any good to our criminal jurisprudence or to our society. There is no doubt that the grant or denial of bail is entirely the discretion of the judge considering a case but even so, the exercise of judicial discretion has been circumscribed by a large number of decisions rendered by this Court and by every High Court in the country. Yet, occasionally there is a necessity to introspect whether denying bail to an accused person is the right thing to do on the facts and in the circumstances of a case*".

12. The principles laid down by the Hon'ble the Supreme Court of India in the case of '***Satender Kumar Antil Vs. Central Bureau of Investigation and Another', 2022 LiveLaw (SC) 577*****,** are also relevant in this case. In the abovementioned case, it has been observed that "*the rate of conviction in criminal cases in India is abysmally low. It appears to us that this factor weighs on the mind of the Court while deciding the bail applications in a negative sense. Courts tend to think that the possibility of a conviction*

being nearer to rarity, bail applications will have to be decided strictly, contrary to legal principles. We cannot mix up consideration of a bail application, which is not punitive in nature with that of a possible adjudication by way of trial. On the contrary, an ultimate acquittal with continued custody would be a case of grave injustice".

13. Recently, in the case of '***Tapas Kumar Palit Vs. State of Chhattisgarh', 2022 INSC 222***, the Hon'ble Supreme Court of India has observed that "*if an accused is to get a final verdict after incarceration of six to seven years in jail as an undertrial prisoner, then, definitely, it could be said that his right to have a speedy trial under Article 21 of the Constitution has been infringed*". It has also been observed by the Hon'ble Supreme Court of India in the abovementioned case that "*delays are bad for the accused and extremely bad for the victims, for Indian society and for the credibility of our justice system, which is valued. Judges are the masters of their Courtrooms and the Criminal Procedure Code provides many tools for the Judges to use in order to ensure that cases proceed efficiently*".

14. Therefore, to elucidate further, this Court is conscious of the basic and fundamental principle of law that right to speedy trial is a part of reasonable, fair and just procedure enshrined under Article 21 of the Constitution of India. This constitutional right cannot be denied to the accused as mandated by Hon'ble Apex court in ***"Balwinder Singh versus State of Punjab and Another", SLP (Crl.) No.8523/2024***.

15. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to a conclusion that the petitioner is entitled for the benefit of bail, and that the present petition

deserves to be allowed, but subject to the condition of deposit of Rs.50,000/-

16. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. The petitioner is hereby ordered to be released on bail on his furnishing personal bond and surety bond(s) to the satisfaction of learned trial Court, subject to the following conditions:-

(i) that the petitioner will deposit Rs.50,000/- in the learned trial Court, which may be disbursed to the complainant, if the trial culminates into conviction.

(ii) that the petitioner 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 her to disclose such facts to the Court or to any other authority.

(iii) that the petitioner shall at the time of execution of bond, furnish the address to the Court concerned and shall notify the change in address to the trial Court, till the final decision of the trial; and

(iv) that the petitioner shall not leave India without prior permission of the trial Court.

17. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to her shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.

(SURYA PARTAP SINGH)
JUDGE

17.11.2025
vipin

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