103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-43750-2025
Date of Decision: 12.08.2025

SUSHMA PANDEY .... Petitioner

Versus

STATE OF HARYANA …..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Balwinder Sangwan, Advocate for the petitioner.

Mr. R.K. Ambavta, DAG, Haryana.

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YASHVIR SINGH RATHOR, J. (Oral)

1. Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail in case FIR No.158, dated 24.05.2025, registered at Police Station Saran, District Faridabad, under Sections 316(2), 318(4) and 61 of BNS, 2023 (Annexure P-1).

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. As per prosecution case, the complainant Savita Devi submitted a complaint to the police with the allegations that she had purchased one house bearing No.502 from Sushma Panday vide sale deed dated 21.08.2024 for a total sum of Rs.12 lakh. On 16.03.2023, the officials of Small Finance Bank Ltd. and Deputy Commissioner, Faridabad came at her house and pasted one notice regarding taking over possession of the house on the ground that co-accused Neelam Devi had taken a loan against the said house which has not been repaid. She alleged that the house in question was purchased by her from accused Sushma Pandey-petitioner and said Sushma Pandey had purchased the house from co-accused Neelam. Accused Sushma Pandey while selling the house to the complainant never disclosed to her that some bank loan

was outstanding against the said house whereas Sushma Pandey made a recital in the sale deed that house in question is free from all encumbrances. She alleged that all the accused in conspiracy with each other have cheated her and she sought action against the accused. Matter was investigated and it was found that accused Neelam who was the original owner of the house had taken a loan of Rs.5 lakh by mortgaging the house on 19.02.2022 and she took another loan of Rs.2 lakh on 22.03.2023 from Jena Bank, Delhi and the original sale deed of the house in question was lying with the Bank. Despite having taken loan, Neelam sold the house to Sushma Pandey and they both in conspiracy with each other and Anil Pandey husband of Sushma Pandey, concealed the factum of taking of bank loan and sold the house to the complainant-Savita Devi.

4. Learned counsel for the petitioner argued that she has been falsely implicated in the present case. Infact, she herself is a victim at the hands of her vendor Neelam who had sold the house to her despite the fact that she had taken a loan from the bank. Petitioner had checked the revenue record and there was no entry of advancement of loan against the said property in the Jamabandi. The original sale deed was not given to her by her vendor Neelam and she had seen only the photocopy of the same. The additional loan of Rs.2 lakh was taken by the accused Neelam after sale of the house in her favour and she never had the intention to cheat the complainant. Learned counsel prayed that petitioner is ready to join the investigation and to abide by the conditions that may be imposed by the Court and the benefit of anticipatory bail be extended in her favour.

5. On the other hand, learned State counsel argued that

petitioner-accused Sushma Pandey has hatched the conspiracy alongwith her vendor Neelam and her husband Anil Pandey and concealed the factum of taking of loan by way of the mortgage of the house by co-accused Neelam and the plot was sold to the complainant. Petitioner purchased the house from main accused namely Neelam despite the fact the original sale deed was lying with bank and accused Neelam had already taken a loan of Rs.5 lakh by mortgaging the property. This fact was concealed from the complainant and she has been duped of Rs.12 lakh by sale of house which was already under mortgage. As such, hatching of conspiracy by Sushma Pandey, Neelam and her husband Anil Pandey is *prima faice* established. In these circumstances, the custodial interrogation of the petitioner is essential to unearth the prosecution story and grant of anticipatory bail will certainly hamper the investigation. Even otherwise, petitioner is not likely to answer the questions in the right earnest in case she is interrogated under the protective umbrella of the order of interim anticipatory bail in her favour.

6. Taking into consideration the gravity of the offence, I am of the considered opinion that petitioner does not deserve concession of anticipatory bail and bail application is dismissed.

(YASHVIR SINGH RATHOR)
JUDGE

12.08.2025
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Whether speaking/reasoned Yes/No
Whether Reportable Yes/No