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

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**CRM-34854-2025 in/and
CRM-M No.44364 of 2025
Date of decision: 04.09.2025**

Sharmeen Abdul Majid Ansari
alias Shormeen Answari

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Afjal Hussain, Advocate,
for the applicant-petitioner.

Ms. Ramta Chowdhary, DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

CRM-34854-2025

The present application in which the prayer has been made by the applicant for permitting her to place on record Annexure P-3, is allowed subject to just exceptions and this document is ordered to be placed on record as such. Amended memo of parties has also been filed. The petitioner had impleaded State of Haryana as a party as respondent though infact it is State of Punjab who was required to be impleaded as such.

The amended memo be tagged at the appropriate place by the Registry.

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Main Case

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
57	12.04.2023	Ranjit Avenue, District Police Commissionerate Amritsar	419, 420, 406, 465, 467, 468, 471 and 120-B of IPC

2. Brief facts relevant for the purpose of disposal of the present petition are that the aforementioned FIR has been registered on the basis of a complaint lodged by the complainant Abhinav Seth alleging that he had joined Market Seller Company at Amritsar in May 2022. The petitioner along with the co-accused Jasmeet Singh @ Kamal Singh and Pranav Tyagi were partners/owners of the company. They had represented that the company used to purchase different products directly from the outlets of the manufacturer companies and sold the same online on reasonable rates. They also used to represent that on making investment in their company, the investors would earn huge profits. On being induced by the petitioner and the co-accused, the complainant and other employees of the company as well as several public persons had invested money. However, in April 2023, the operation/business of the company was closed by the petitioner and the co-accused and they had absconded. It was also alleged that the market seller company was a

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subsidiary company of Sky Group Planet Private Limited. The petitioner and the co-accused had formed other companies also and had been duping the public persons by causing wrongful loss to them. By further alleging that they had cheated the employees of the company and customers for an amount to the tune of about Rs.50 crores, he prayed for taking action in the matter.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Some of the accused had been arrested during the course of investigation. Challan qua them has also been presented but since the petitioner could not be apprehended till that date by the investigating agency, therefore, her name was ordered to be kept in column No.2 of the challan report. Apprehending her arrest, she filed an application before the learned trial Court making prayer for grant of anticipatory bail which had been dismissed vide order dated 03.06.2025.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case on vague and omnibus allegations which are based on conjectures. Infact, she was only a HR manager in the Market Seller Company and used to perform limited duties of maintaining staff record, preparing attendance sheets and releasing staff salaries. She had no role in financial transactions, investments or operations involving public funds or GST filings. The accounts of the company were operated by accused Jasmeet Singh and Pranav Tyagi.

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The bank accounts which are mentioned in the complaint are neither in the name of the petitioner nor she operated the same in any manner. She was not a signatory to any document or agreement. She was not beneficiary of any transaction. She has been impleaded by the complainant on account of professional rivalry as they were working in the same field but had differences. He wants to settle his personal scores. The petitioner is suffering from Tuberculosis and has been advised rest by the treating doctor. No recovery is to be effected from her. She has clean antecedents. Her custodial interrogation is not required. She is ready to join the investigation. It is, therefore, argued that the petition deserves to be allowed.

5. There is no need to issue formal notice of motion as Ms. Ramta Chowdhary, DAG, Punjab is appearing on behalf of the respondent.

6. Learned Deputy Advocate General, Punjab is ready to argue. It is submitted by her that there are serious allegations against the petitioner. She was one of the masterminds of the crime committed along with the co-accused. She is avoiding her arrest since long. Even proceedings for declaring her as a proclaimed person have been initiated. Her custodial interrogation is must for conducting thorough and proper investigation in the matter. Wrongful loss to the tune of Rs.50 crores has been caused to the public persons including the complainant. No exceptional or extraordinary circumstance for grant of pre arrest bail is

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made out. It is, therefore, urged that the petition does not deserve to be allowed.

7. This Court has considered the rival submissions.

8. The petitioner along with the co-accused is alleged to have induced the complainant and several other persons to part with their hard earned money by alluring that the money will be invested in the company run by them and the customers would get handsome interest/profit over the same. Wrongful loss to the tune of about Rs.50 crores has been alleged to have been caused. Though the petitioner has placed on record some certificates to show that she was suffering from Tuberculosis and had been advised rest but beyond 12.08.2025, no rest is shown to be advised to her. The allegations against the petitioner are serious in nature. For conducting thorough and proper investigation in the matter, her custodial interrogation is required. It is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The judicial discretion conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant's fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as an

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inroad in the normal legal procedure of criminal cases by the trial Court. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. More so, proceedings for declaring her as a proclaimed person have been initiated. Keeping in view the facts enumerated above, no ground has been made out for allowing the petition. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

9. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

04.09.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No