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

CRM-M No.55368 of 2025

Date of Decision: 23.12.2025

Tamanna Rani and another

.....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Petitioner No.1 in person along with
Mr. Rajiv Kumar Saini, Advocate
for the petitioners.

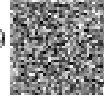
Mr. N.P. Chandel, A.A.G., Haryana.

Mr. Pankaj Kaushik, Advocate
for respondent No.2.

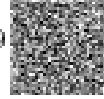
RAJESH BHARDWAJ, J.

1. Present petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.485, dated 20.08.2025, under Sections 318(4), 316(2) of BNS, 2023 and Section 24 of Immigration Act, registered at Police Station Indri, Karnal.

2. Succinctly the facts of the case are that FIR in the present case was registered on the statement of complainant, namely, Rajni wife of Sh.Rinku. It was alleged that Tamanna is a resident of Indri, District Karnal, used to meet her in Indri and told the complainant that her husband i.e. petitioner No.2 Vijay Kumar, along with 02 persons and one Naresh, who is an agent from Chandigarh and some agent from Dubai,



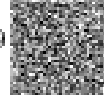
altogether do the work of sending people abroad. If someone wants to go abroad, they get it done properly. It was alleged that after a few days, the complainant and her husband contacted the petitioners and informed them that her husband wants to go abroad. For this purpose, petitioners took an amount of Rs.1,23,000/- from them through online mode to send complainant's husband Rinku to Europe and remaining amount of Rs.77,000/- in cash for other expenses. Thereafter, complainant's husband was sent to Dubai, where there was no one to help him. It was alleged that the petitioners had promised to send her husband to Europe. She further alleged that her husband wandered in Dubai on the roads for about 12-13 days without any work or support and thereafter, her husband was called back by booking a return ticket. Petitioners were asked about this but they did not give them any way. When the complainant and her husband demanded their money back then they refused for the same rather they threatened them that they would be done to death. The petitioners in connivance with other co-accused have cheated upon the complainant and her husband on the pretext of sending her husband abroad and have also extorted money from them. Thus, prayer was made to take the legal action against the culprits. On registration of the FIR, the investigation commenced. Apprehending his arrest, the petitioners approached the Court of learned Additional Sessions Judge, Karnal praying for the grant of anticipatory bail. However, after hearing both the sides, finding no merit in the same, the learned Additional Sessions Judge, Karnal dismissed the petition filed by



the petitioners vide order dated 25.09.2025. Being aggrieved, the petitioners are before this Court by way of filing the present petition praying for the grant of anticipatory bail.

3. Learned counsel for the petitioners has vehemently contended that the petitioners have been falsely implicated in the present case. He submits that the petitioners have no concern with the alleged offence. He submits that the case is of civil nature. He submits that during the course of arguments, the matter was referred to the Mediation and Conciliation Centre of this Court, as there were chances of amicable settlement, however, complainant/respondent No.2 remained absent there and thus the case remained a non-starter case before the Mediation Centre. He further submits that petitioner No.2 was arrested in some other FIR, after having been granted interim protection in the present case and thus, he could not join the mediation proceedings. He submits that the petitioners had already returned an amount of Rs.57,000/- to the complainant, despite that the complainant filed the present FIR only to extort money from the petitioners. He has submitted that in the facts and circumstances, the petitioners deserve to be granted anticipatory bail.

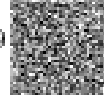
4. Learned counsel for the complainant has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioners had played an active role in cheating the complainant in connivance with the co-accused. He has submitted that petitioners had sought the interim protection by this Court on the false promise. He submits that the petitioners were never keen to settle the dispute amicably



as was submitted before this Court. He thus, submits that the petitioners do not deserve the concession of anticipatory bail.

5. Learned State counsel had opposed the submission made by counsel for the petitioners and has submitted that the petitioners had committed cheating in connivance with other co-accused. He submits that the petitioners have induced the complainant by making false promises. He submits that the investigation is at the initial stage and custodial interrogation of the petitioners are required for free and fair investigation. He submits that no case for grant of anticipatory bail to the petitioners, is made and thus, the present petition deserves to be dismissed.

6. On hearing of the counsel for the parties and perusing the record, it is apparent that the petitioners were indulged in illegal business of immigration and duped the complainant for a huge amount on the false pretext of sending the husband of complainant abroad. Though, it was submitted before this Court by counsel for the petitioners that the matter was referred to the Mediation Centre and petitioners were granted interim protection to the petitioners, however, as evident from the report of the Mediator, the mediation remained a non-starter. The petitioners are specifically named in the FIR. Despite several opportunities, the petitioners failed to settle the dispute with the respondents. The counsel for the petitioners failed to convince the Court regarding the failure of the mediation as undertaken before this Court. This Court finds that evidently the investigation is at threshold. The interim protection granted to the petitioners was only on the undertaking given before this Court that the



petitioners were ready to settle the dispute but the same has been misused.

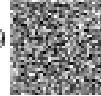
7. The Hon'ble Supreme Court in a recent judgment of '**Gajanan Dattatray Gore Vs. State of Maharashtra, 2025 INSC 913**' has held that bails should not be granted solely on the undertaking given by the accused persons. The relevant part of the same reads as under:-

'Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the case may be. However, in any circumstances the High Courts or trial courts shall not pass a conditional order of regular bail or anticipatory bail.'

8. For the consideration of anticipatory bail, the statutory parameters are given under Section 482 (1) & (2) BNSS which reads as under:-

“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such*

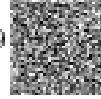


directions in the light of the facts of the particular case, as it may think fit, including-

- (i) a condition that the person shall make himself available for interrogation by a police officer as and when required;*
- (ii) a condition that the person 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 him from disclosing such facts to the Court or to any police officer;*
- (iii) a condition that the person shall not leave India without the previous permission of the Court;*
- (iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

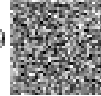
9. As per the law settled by the Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab***, AIR 1980 SC 1632, while granting anticipatory bail, the Court is to maintain a balance between the individual liberty and the interest of society. However, the interest of the society would always prevail upon the right of personal liberty. The relevant part of the judgment is as follows:-

“31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot



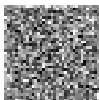
be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in State v. Captain Jagjit Singh (1962) 3 SCR 622, which, though, was a case under the old Section 498 which corresponds to the present Section 439 of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

10. The Hon'ble Supreme Court in ***State Vs. Anil Sharma***, (1997) 7SCC 187, held as under:-



“6. *We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.*”

11. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* found. Allegations made against the petitioner are serious in nature. Needless to say, the investigation is at the initial stage and in the facts and circumstances, custodial interrogation of the petitioner would be essential and granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.



12. In view of the overall facts and circumstances of the case, the petitioner does not qualify for the grant of anticipatory bail and the same is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

23.12.2025

ps-I

(RAJESH BHARDWAJ)
JUDGE

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