



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

CRM-M No.57923 of 2025 (O&M)

Reserved on: 17.11.2025

Date of Decision: 18.11.2025

Alka

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued By: Mr.Kamlesh Kumar Mishra, Advocate
for the petitioner.

Mr. Arun Kumar Gujjar, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Sections 420/120-B IPC, the FIR No.373 dated 21.06.2024, has been lodged in Police Station Suraj Kund, Faridabad. The petitioner has been arrested in the above mentioned case as an accused. Since the petitioner is in custody, she has filed the present petition for the benefit of bail under Section 483 of BNSS. This is first petition for grant of bail.

2. In nutshell the fact emerging from record are that the FIR of this case came into being on the compliant moved by 'Pawan Kumar' and 'Kanhaiya Lal', hereinafter being referred to as 'complainant'. It was alleged by the above named complainant that through their common friend namely Khushi Bhardwaj they came in contact of 'Ashish Kumar Soni' and 'Alka'. It was told to them that 'Ashish Kumar' was earning handsomely by trading in share market. According to complainant, they met 'Ms. Alka', who explained



them the process for investment in share market and assured that if the money is invested according to their advise they would facilitate great return to the complainant. The complainant further alleged that convince with the assurance given by ‘Ms. Alka’ they paid money to her through various bank transactions in the account of ‘Ms. Alka’ and ‘Ashish Kumar Soni’. As per complainant, the details of money paid by them is as under:-

Amount in Rs.	From the account of
36,55,900/-	Pawan Kumar
6,55,000/-	B.L.Wadhwa
Rs.9,00,000/-	Ritu Arora
Rs.35,00,000/-	Deposited as cash in the account of Alka

The complainant had further alleged that ‘Ashish Kumar Soni’ had assured them on 27.02.2024 that he would return double the amount of Rs.87,10,900/-, i.e. amount deposited in the bank amount of ‘Alka’ but later on he ran away, and thus, they have been duped.

3. It is the case of the prosecution that on the basis of above mentioned statement formal FIR of this case was lodged and the investigation taken up. According to prosecution during the course of investigation the petitioner has been arrested and she is in custody.

4. Heard.

5. It has been contended on behalf of the petitioner that petitioner is innocent having no nexus, whatsoever, with the commission of crime and that she belongs to a poor family, who was in relationship with ‘Ashish Kumar Soni’ and that the co-accused ‘Ashish’ by taking advantage of the faith and trust of petitioner in him has misused the bank account of the petitioner.



According to learned counsel for the petitioner the money deposited into the account of petitioner has been used by 'Ashish Kumar Soni' only but the petitioner has been made scapegoat.

6. In addition to above, the learned counsel for the petitioner has also argued that petitioner has already suffered a prolonged incarceration of being in custody for a period of two months, and that being a lady she deserves lenient view. It has also been argued by learned counsel for the petitioner that the offence is triable by the Court of Judicial Magistrate, and that nothing is to be recovered from the possession of petitioner, and therefore, she is entitled for bail.

7. Per contra, the learned State counsel has argued that in the present case the petitioner is one of the main accused as she was instrumental firstly in convincing the complainant for making investment and then the money was deposited into the account of petitioner. As per learned State counsel without positive consent of petitioner the use of her bank account number for the purpose of transaction of money was not possible, and thus, she cannot shy away from the responsibility of offence pertaining to the present case.

8. In addition to above, the learned State counsel has also argued that that main accused is still absconding, and therefore, the release of petitioner on bail, at this stage, may hamper investigation.

9. The record has been perused carefully.

10. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. They are:-

- i) that the total custody period of petitioner is just above 2 months, by any stretch of imagination the above said period



cannot be treated to be a period of prolonged incarceration;

- ii) that the involvement of petitioner in the commission of crime is reflected from the fact that the money paid by the complainant came into her bank account;
- iii) that the co-accused of petitioner i.e. Ashish Kumar Soni is yet to be arrested. Thus, at this stage, the release of petitioner on bail may have an adverse impact on the outcome of investigation;
- iv) that allegations against the petitioner are for the commission of offence are of serious nature.

11. Taking into consideration the cumulative effect of all the above mentioned factors, it is hereby held that the present petition is devoid of merit. Hence, the present petition is hereby dismissed.

(SURYA PARTAP SINGH)
JUDGE

18.11.2025
Manoj Bhutani

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