IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101 **CRM-M-61868-2025**

Date of decision: 07.11.2025

Aditi Gupta

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Amit Dhawan, Advocate for the petitioner.

Mr. Amit Goyal, Additional Advocate General, Punjab.

Mr. Mandeep Singh Sachdev, Senior Advocate with
Mr. Om Malhan, Advocate for the complainant.

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SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Sections 482 of BNSS, 2023 in FIR No.148 dated 23.09.2025 registered for offences punishable under Sections 419, 420 and 120-B of the IPC at Police Station Bhargo Camp, District Police Commissionerate, Jalandhar.

2. The gravamen of the FIR pertains to an alleged act of fraud and forgery committed against the complainant, Puneet Gupta, son of Sh. Ram Gupta, resident of Shrisham Trading Company, Chitti Road, Lambra, District Jalandhar. The complainant alleged that while filing his income tax return through his Chartered Accountant, he discovered that a bank account had been opened in his name at Kotak Mahindra Bank without his knowledge or consent. Upon further inquiry at Kotak Mahindra Bank, Branch UG-2, City Point, Nakodar Road, Near Bajra, Jalandhar, it was found that Account No. 4348865055 had been fraudulently opened using his

name and forged identification documents. It was further revealed that the mobile number and e-mail ID linked with the said account were registered in the name of his brother, Vineet Gupta, son of Ram Gupta (petitioner herein), who was actively operating the same. The complainant further alleged that his brother, Vineet Gupta (petitioner herein), in connivance with his wife, Aditi Gupta, and certain officials of Kotak Mahindra Bank, fraudulently opened the said account using falsified documents, and thereafter carried out unauthorized and deceitful financial transactions for wrongful gain. On inquiry, it was allegedly found that the accused persons, by dishonest and deceitful means, misappropriated the complainant's funds which led to registration of the instant FIR.

3. Learned counsel for the petitioner has iterated that the petitioner is a housewife who has been falsely implicated into the FIR in question on account of family and property disputes. Learned counsel has further iterated that the complainant, who happens to be the real brother-in-law of the petitioner, and his mother has earlier initiated multiple proceedings against the petitioner and her husband under the Maintenance and Welfare of Parents and Senior Citizens Act, 2007, which have been decided in their favour and that the present FIR is a counterblast to the same. Learned counsel has further iterated that the petitioner has no role in the alleged opening or operation of the bank account in question. No direct act of impersonation, forgery or fraudulent transaction has been attributed to the petitioner. The only allegation against the petitioner is that her name appears as a nominee in the account in question which by itself, does not constitute any offence. According to learned counsel, the investigation has

been conducted in a biased and incomplete manner ignoring material evidence. Furthermore, no act of forgery, impersonation or direct handling of funds has been attributed to the petitioner. Learned counsel asserts that the allegations levelled against the petitioner in the impugned FIR are entirely baseless and devoid of any credible or cogent material. It has been further iterated that the petitioner has been unnecessarily dragged into the instant case as nothing has to be recovered from her. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from her. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case she is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. Per contra, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that the enquiry and investigation clearly reflects the active role of the petitioner in the fraudulent scheme. The opening cheque (i.e. Cheque No. 144743 dated 12.03.2023) issued from the personal account of the petitioner was used to open the fraudulent Kotak Mahindra account in the name of the complainant and the petitioner was shown as the nominee and wife of the complainant, though she is, in fact, the wife of the co-accused. It is further submitted that the money trail of the petitioner directly connects her to the fraudulent deposits made into the said account and that the entire operation was premeditated having been planned

even before the account was opened. Learned State counsel has emphasized that the complicity of the petitioner is clearly evident from the material collected during enquiry and her plea of innocent is contradicted by documentary and digital evidence. According to learned State counsel, the offence alleged is serious in nature involving financial fraud, impersonation for which custodial interrogation of the petitioner is required to unearth the extent of conspiracy and involvement of bank officials. Furthermore, in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition in order to facilitate effective investigation into the alleged offence.

5. Learned senior counsel appearing for the complainant has vociferously opposed the grant of anticipatory bail to the petitioner. Learned senior counsel has iterated that the present case is a result of a deep rooted criminal conspiracy hatched by the petitioner and her husband who have been systematically targeting the complainant and other family members with the ulterior motive of usurping valuable family assets. Furthermore, the petitioner herself has deposited the cheque in the fraudulent account in question, handled the transactions and utilized the funds for personal use. According to learned senior counsel, the money trail traced by the investigating agency directly connects the petitioner to the fraudulent account confirming her active participation and conscious knowledge of the crime. On the strength of these submissions, the dismissal of the instant petition is prayed for.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The material collected during the course of enquiry and investigation clearly indicates that the petitioner, in active connivance with her husband, participated in the fraudulent opening and operation of a bank account in the name of the complainant by using forged identity documents and digital credentials. The opening cheque issued from the account of the petitioner, the UPI deposits made by her and her being shown as nominee and wife of the complainant cumulatively establish *prima facie* involvement in the commission of offences under Sections 419, 420, and 120-B of the IPC. The record reflects that the fraudulent Kotak Mahindra Bank account was opened using the Aadhar and PAN credentials of the complainant but the photograph, contact number and email ID used for verification were those of co-accused Vineet Gupta. The opening cheque was issued by the petitioner and was issued nearly a month before the account came into existence indicating that the conspiracy has been hatched well in advance. Furthermore the UPI records established that several deposits in the fraudulent account were made from the personal account of the petitioner and the proceeds of the same were subsequently utilized by the petitioner and her husband for their personal and household expenses. The money trail traced by the investigating agency linking the account of the petitioner with the impugned transaction thus dispels the claim of ignorance of the petitioner.

8. The plea of the petitioner that she is a housewife having no role in the financial affairs of her husband is also without substance. The record depicts her active participation and conscious knowledge of the fraud in question. Moreover, this Court cannot lose sight of the broader conspiracy in which the present offence has been committed. The petitioner and her husband has earlier also made an attempt to withdraw an amount of Rs.20,04,699/- from the Post office PPF account of the complainant which led to registration of the FIR No.,216 dated 21.10.2023. Such repeated conduct establishes a pattern of calculated criminality showing that the petitioner and her husband has been systematically targeting the complainant for monetary gains. In the considered opinion of this Court, the allegations are serious in nature, involving economic offences and digital fraud, which require custodial interrogation to trace the financial trail, recover incriminating documents and also to ascertain the involvement of any bank officials. The allegations in the FIR cannot be brushed aside as vague or baseless. The offence in question does not merely involve financial deceit but strikes at the very fabric of family/social trust which are not only grave in nature but also have far-reaching consequences

9. Furthermore, the investigating agency has sought the custodial interrogation of the petitioner for effective recovery, verification of facts, and to establish the broader conspiracy, if any, behind the occurrence. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that offences in question require a thorough and detailed investigation particularly to trace the money trail, digital footprints

and forged documents as well as to determine whether other bank officials were complicit in the fraudulent acts.

10. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that prima facie case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

> *"6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable 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. In view of the gravity of the allegations, the consistent pattern of deceitful conduct, the specific role attributed to the petitioner as also the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, the custodial interrogation of the petitioner may be necessary for an effective investigation & to unravel the truth. Accordingly, the petition is devoid of merits and is hereby dismissed.

12. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

13. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

November 07, 2025
Ajay

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