2025:PHHC:158548

S. No.103

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

****

CRM-M-64170 of 2025
Date of Decision:14.11.2025

Bharti Oberoi .....**Petitioner**

Vs.

State of Haryana .....**Respondent**

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Rahil Mahajan, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, DAG, Haryana assisted by SI Labh Singh.

****

Yashvir Singh Rathor, J. (Oral)

1. This is first petition filed under Section 482 of the BNSS for grant of anticipatory bail to the petitioner in case FIR No.176 dated 13.06.2025 registered under Sections 120-B, 406 and 420 IPC at Police Station Sector 17, HUDA. Jagadhri, District Yamuna Nagar, Haryana.

2. The present case has been registered on the basis of complaint given to the Police by HDFC, Bank through its authorised person Mr. Ajit Rana with the allegations that in November, 2020, Sanam Oberoi, Bharti Oberoi (petitioner) and Neelam Oberoi approached the Bank for availing loan for purchasing a residential house bearing Plot No.28, Khasra No.1187(2-9), 1188 (2-6), Min, Mouza Tejli, Tehsil Jagadhri, District Yamunanagar and they had assured to repay the loan. They executed loan agreement and completed all the formalities and thereafter, Bank disbursed total loan amount of Rs.66,68,000/- out of which Rs.48,00,000/-

was paid to Poonam Tehri – vendor through cheque and balance amount of Rs.18,68,000/- was paid to Sanam Oberoi – borrower through cheque. Said Sanam Oberoi had created equitable mortgage by depositing the original title deed of some vacant plot situated at Basant Nagar, Yamuna Nagar which was mortgaged with the Bank. Thereafter, the borrowers defaulted in making the repayment and matter was enquired into and it was found that Sanam Oberoi had availed home loan for purchasing a residential house by showing the property of third party situated at Model Colony, Near Green Park, Lal dwara road, Jagadhri whereas property documents were submitted for vacant plot situated at Basant Nagar, Yamuna Nagar and the said property could not be identified. It was thus a case of inadequate verification procedure followed by Bank staff as well as agencies and the borrowers thus succeeded in defrauding the Bank by showing third party's property for purchase and submitted property documents for different property and he sought action against them.

3. Upon notice, learned State Counsel has appeared and I have perused the material placed on record.

4. Learned counsel for the petitioner contended that the petitioner is a housewife and the loan was obtained by Sanam Oberoi who had mortgaged the property. No property was mortgaged by the petitioner and she was simply a co-borrower and she never induced the Bank to pay any loan amount by showing wrong property and she has not committed the offence of cheating. She is ready to join the investigation and to abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be granted in her favour.

5. On the other hand, learned State Counsel has opposed the bail and argued that the loan was advanced to all the three borrowers including petitioner.

Sanam Oberoi as well as co-borrowers succeeded in defrauding the Bank by showing third party's property for purchase and submitted property documents for different property and they all committed offence of cheating and dishonestly induced delivery of money and thereby committed breach of trust and have misappropriated the loan amount. Learned State Counsel contended that huge amount of public money is involved and in view of gravity of offence, petitioner does not deserve concession of anticipatory bail.

6. The allegations against the petitioner are serious in nature. It is not in dispute that petitioner along with Sanam Oberoi and Neelam Oberoi had taken loan of Rs.66,68,000/- from the Bank out of which Rs.48,00,000/- was paid to vendor namely Poonam Tehri and a sum of Rs.18,68,000/- was paid to Sanam Oberoi, who created equitable mortgage by depositing the original title deed of some vacant plot situated at Basant Nagar, Yamuna Nagar, which was mortgaged with the Bank. However, they all succeeded in cheating the Bank by showing third party's property for purchase and submitted property documents for different property while availing the loan and thereafter, they have not repaid the loan and have misappropriated the same. It is well settled that the power to grant anticipatory bail is of extra-ordinary nature and is to be sparingly used with circumspection as held in 2022 (4) RCR (Criminal) 968 titled as ***"Sachin @ Sachin Ahuja Vs. State of Punjab".*** In SLP (Crl.) 7940 2023 titled as ***"Shri Kant Upadhay Vs. State of Bihar",*** Hon'ble Apex Court has held that grant of interim protection or protection from arrest to an accused in a serious case may lead to miscarriage of justice and may hamper investigation to a great extent as it may sometimes lead to tampering or destruction of evidence. The court is cognizant of the fact that power of anticipatory bail is to be exercised in exceptional

circumstances as it may cause some hindrance to normal flow of investigation which would undermine the case of the prosecution.

8. The custodial interrogation of the petitioner is, thus, essential to further investigate the case and to elicit the modus operandi adopted by the accused in committing the crime and grant of anticipatory bail will rather hamper the investigation. Moreover, 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 ad-interim protection that may be passed by this Court. Since the allegations against petitioner are serious in nature, she is not entitled to anticipatory bail and accordingly, the petition in hand is dismissed.

10. Pending misc. application, if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

November 14, 2025
renu

Whether Speaking/reasoned Yes/No
Whether Reportable Yes/No