



CRM-M-71870-2025

-1-

**108 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-71870-2025**

Decided on: 19.12.2025

Kavita

..... Petitioner

Versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Himanshu Jain, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Rajesh Bhardwaj, J. (Oral)

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.575 dated 05.11.2025, registered under Sections 316(2), 318(4), 336(3), 336(4), 338, 340(2) and 61(2) of BNS, 2023, at Police Station City Sadar, District Bhiwani.

2. Succinctly, facts of the case are that the FIR in the present case was lodged on the statements of the complainants, namely, Suman, Anil Kumar, Suresh Kumar, Sidesh, Randhir and Amit. It was alleged that M/s Zooky Group allured the complainants by investing in property i.e. plots measuring 100-100 Gaj near village Umravat, District Bhiwani and on promise to double the money overnight. The payment was allegedly made through online modes by the complainants. It was alleged that the Directors and Promoters of the company conducted seminars to motivate the general public for investment and ensured high returns as well as residential plots at good location. The moment, the complainants made the payment in the said company, the amount deposited was shown to be doubled on their ID. However, on enquiry, the complainants found themselves cheated. Neither their amount was returned nor any plot was given to them. Thus, request was made to take legal action against the culprits. On the registration of the



CRM-M-71870-2025

-2-

FIR, the investigation commenced. During the investigation co-accused Krishan @ Kurde Ram owner of the company was arrested, who not only got recovered Rs.3 lacs, but also disclosed about the complicity of the petitioner. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Bhiwani praying for grant of anticipatory bail, however, after hearing both the side, learned Court declined the same, vide order dated 26.11.2025. Hence, the petitioner is before this Court by way of filing the present petition praying for grant of anticipatory bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He submits that the petitioner is not named in the FIR. It is submitted that allegations made in the FIR are against the proprietor and director of the Zooky company. He submits that the petitioner is not beneficiary of the alleged fraud committed on the complainant. It is submitted that even otherwise, the petitioner also invested Rs.2,65,000/- in the alleged company two years prior and her documents have been misused by the co-accused. He further submits that the petitioner is an illiterate lady, who is working as a security guard. She submits that the petitioner has no criminal antecedents and thus, in the facts and circumstances of the case, she deserves to be granted anticipatory bail.

4. Learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that there are seven victims in the present case and there is a transaction of Rs.4 crores in the account of the petitioner. He has submitted that in all there are seven accused and rest



CRM-M-71870-2025

-3-

all the accused have been arrested. He further submits that the petitioner is the beneficiary of the fraud committed upon the victims. He submits that the investigation is pending and custodial interrogation of the petitioner is required to recover the amount received by her in her account and hence, the present petition deserves to be dismissed.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that M/s Zooky Group allured the innocent persons by way of seminars in investing huge amount. It was alleged that the petitioner was the beneficiary of the amount. For receiving the amount by committing fraud upon people, the accounts were opened in the name of the petitioner and she was the authorized signatory. There is nothing on record to show that the petitioner has herself invested Rs.2,65,000/- in the said company. Custodial interrogation of the petitioner is required to effect the recovery of amount duped from the innocent persons and to ascertain that flow and the syndicate of the offence committed.

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

482“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-*



CRM-M-71870-2025

-4-

- (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."*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has 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](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disintering many useful informations and also materials which would have been concealed. Succession such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail during the time he 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 task of disintering offences would not conduct themselves as offenders."

8. Hon'ble Apex Court in plethora of judicial precedents

including Gurbaksh Singh Sibbia Vs. State of Punjab, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. 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* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in her favour. Resultantly, the petition being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of opinion on the merits of the case.

19.12.2025

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned

:

Yes/No

Whether Reportable

:

Yes/No