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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-33681-2026
DECIDED ON: 12.06.2026

PRIYANKA CH. SANGMA .....PETITIONER

VERSUS

STATE OF HARYANA .....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Gaurav Singla, Advocate for the petitioner

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of The BNSS 2023 (Corresponding section 438 Cr.P.C.) for seeking the kind indulgence of this Hon'ble Court for grant of anticipatory bail in the event of arrest to the petitioner in the case F.I.R No. 17 Dated 21.01.2026 registered U/s 308(2), 316(2),351(2) and 61(2) of BNS,2023 (Corresponding Sections 384,406,506 and 120-B of IPC, 1860) registered at Police Station Sector-53, Distt. Gurugram, Haryana and for staying the arrest of the petitioner accordingly, keeping in view the sequel of the facts mentioned below, in the interest of justice.

2. Brief Facts

That complaint bearing No. 8510-Z dated 24.12.2025 and No. 2021-CAS dated 25.12.2025 was received at the concerned Police Station, pursuant to which the present FIR came to be registered and investigation was initiated. As per the allegations made by the complainant, Aalok Bhan, he came in contact with accused Kim @ Priyanka through Facebook in the year 2020, where she purportedly represented herself to be an air hostess employed with Emirates Airlines and residing in Dubai. It is alleged that, after developing a close relationship with the complainant, the accused, in connivance with others, induced and coerced him into transferring substantial amounts of money by employing deceptive means, including impersonation through online platforms, misuse of electronic communication, violation of privacy, transmission of obscene and sexually explicit content, cyber bullying and online sextortion. The complaint further alleges commission of offences relating to cheating, criminal breach of trust, forgery, criminal intimidation, defamation and criminal conspiracy as part of an organized criminal syndicate. It is the prosecution case that, owing to fear of social stigma and reputational harm, the complainant transferred an amount of approximately ₹6 crores to the accounts of accused Kim @ Priyanka and her brother, Yankee Sangma, out of which a sum of ₹4,08,03,415/- was credited to the bank account of accused Kim @ Priyanka. The complainant accordingly sought legal action against the accused persons and recovery of the defrauded amount.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated and has no connection with the complainant or the alleged social media account. It is submitted that the case is based on documentary and electronic evidence already in the possession of the investigating agency, no recovery is to be effected from the petitioner, and custodial interrogation is therefore unwarranted. Counsel further argues that the petitioner is willing to join and cooperate with the investigation, has clean antecedents, and there is no likelihood of her absconding, influencing witnesses, or tampering with evidence. It is also contended that the offences alleged are punishable up to seven years' imprisonment and the safeguards governing arrest, as laid down in Arnesh Kumar v. State of Bihar and Satender Kumar Antil v. CBI, were not complied with, rendering the issuance of arrest warrants and rejection of anticipatory bail unsustainable. Counsel additionally submits that the petitioner is a woman and mother of two children and that her arrest would unjustifiably curtail her personal liberty despite there being no necessity for custodial detention.

Notice of motion.

<u>On behalf of the State/complainant</u>

Mr. Ved Parkash, Sr. DAG Haryana, has put in appearance on behalf of respondent/State, whereas Mr. Nimish Chib, Advocate and Mr. Parth Bhardwaj, Advocate has put in appearance on behalf of the complainant.

Learned counsel for the State, assisted by learned counsel for the complainant, contends that the petitioner, in connivance with her brother, duped the complainant of approximately ₹6 crores and continuously extorted money from him by threatening to circulate his sexually explicit photographs and videos on social media. It is submitted that substantial amounts were credited to the petitioner's bank account over a prolonged period, making it implausible for her to claim ignorance of such transactions. Learned counsel further submits that custodial interrogation of the petitioner is imperative not only for recovery of the extorted amount but also for unearthing the complete modus operandi of the accused persons and carrying the investigation to its logical conclusion. Accordingly, prayer has been made for dismissal of the petition.

4. Analysis

The allegations levelled against the petitioner are grave, serious and of an exceptionally disturbing nature. The prosecution case is not confined to a simple monetary dispute or an isolated act of cheating. Rather, the allegations disclose a well-planned and sustained course of conduct extending over a considerable period, whereby the complainant was allegedly lured into a relationship through false representations on social media, subjected to emotional manipulation, and thereafter coerced into making repeated monetary transfers under threats of dissemination of sexually explicit photographs and videos. The allegations prima facie reveal elements of cyber-enabled fraud, impersonation, sextortion, criminal intimidation and organized financial exploitation.

As per the prosecution, an amount of approximately ₹6 crores was extracted from the complainant, out of which more than ₹4 crores was allegedly credited directly into the bank account of the petitioner. The magnitude of the alleged fraud, coupled with the method allegedly adopted for its execution, cannot be overlooked while considering a prayer for pre-arrest bail. Economic offences involving large-scale financial loss stand on a distinct footing, as they affect not only the individual victim but also undermine public confidence in financial and digital transactions. The seriousness of such offences is further aggravated when they are alleged to have been committed through abuse of electronic platforms and threats calculated to exploit the victim's fear of social stigma and reputational harm.

The contention of the petitioner that the matter rests primarily upon documentary and electronic evidence and, therefore, custodial interrogation is unnecessary, cannot be accepted at this stage. The investigation is still in progress and the prosecution has specifically asserted that the custodial interrogation of the petitioner is necessary for tracing the money trail, identifying the involvement of other persons, recovering the defrauded amount and unearthing the complete modus operandi adopted by the accused persons. In cases involving allegations of organized cyber fraud and financial transactions spread across multiple accounts, the investigating agency must be afforded adequate opportunity to effectively investigate the larger conspiracy and ascertain the role of each participant.

The Court is also unable to ignore the specific allegation that the petitioner acted in concert with co-accused persons as part of a coordinated scheme. The allegations disclose a prima facie case of criminal conspiracy and systematic extortion rather than an isolated transaction. At the stage of consideration of anticipatory bail, a detailed examination of the defence sought to be raised by the petitioner would be impermissible. The Court is only required to assess whether the accusations are prima facie credible and whether the nature of the offence warrants custodial interrogation.

Though learned counsel for the petitioner has relied upon the principles laid down in '*Arnesh Kumar v. State of Bihar* and *Satender Kumar Antil v. CBI*, the said judgments do not create an absolute bar against arrest in every case where the offence is punishable with imprisonment up to seven years. The applicability of those safeguards depends upon the facts and circumstances of each case. In the present matter, considering the enormity of the alleged financial fraud, the allegations of cyber sextortion, the substantial amounts stated to have been credited into the petitioner's account and the requirement of a thorough investigation into the wider conspiracy, this Court is not persuaded to extend the protection of anticipatory bail.

Merely because the petitioner is a woman would not, by itself, entitle her to the discretionary relief of anticipatory bail when the allegations disclose active involvement in the commission of serious offences involving large-scale financial gain and exploitation of the victim through threats and coercion.

The Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr. 2022 Live Law (SC) 870*** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the prima facie case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

> "*It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.*
> *Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.*
> *We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the*

prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail."

More so, investigation is still going on in the present case. It is settled proposition of law that power exercisable under Section 482 BNSS, is somewhat extraordinary in character and it is to be exercised in exceptional cases. The Supreme Court in ***"State vs. Anil Sharma"; (1997) 7 SCC 187,*** held as under:-

"We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconded 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 material 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 needs 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."*

5. <u>Decision</u>

In view of the nature and gravity of the accusations, the magnitude of the alleged amount involved, the manner in which the offences are stated to have been committed and the requirement of effective investigation, this Court finds no exceptional circumstance warranting exercise of the extraordinary jurisdiction under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/Section 438 Cr.P.C. Consequently, the present petition is dismissed.

However, it is made clear that the observations in this order are only for the purposes of deciding this bail application and the trial Court is free to adjudicate upon the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

12.06.2026
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Whether speaking/reasoned :Yes/No
Whether reportable :Yes/No