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

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CRM-M-34520-2026 (O&M)
Date of decision: 03.07.2026

Neeru Bala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Karandeep Singh, Advocate
for the petitioner.

Mr. Gautam Kaile, DAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), is for grant of anticipatory bail to the petitioner in FIR No. 262 dated 28.10.2024, registered under Sections 316(2) and 318(4) of BNS, 2023 (Section 316(5) of BNS added later on) at Police Station Guhla, District Kaithal.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the District Manager, Hafed, Kaithal alleging that two firms namely M/s Goyal Food, Cheeka and M/s Atma Ram Rice and General Mills, Cheeka were allotted the work of custom milling for *Khareef* marketing season for the years 2023-24. The rice millers were required to deliver the complete rice to FCI as per the terms of the agreement/policy. 75345.37 quintals of paddy was supplied to M/s Goyal Food but it delivered only 54% of

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rice to FCI and also did not deliver the same within the stipulated time without giving any explanation. The rice mill was inspected and the stock kept therein was found to be deficient. Even the stock of M/s Atma Ram Rice Mill was found to be deficient. The premises of both these firms were adjacent to each other and there was a suspicion that the proprietor of both these firms have jointly misappropriated the stock of Hafed. Other violations were also shown to have been committed by them and wrongful loss to the tune of Rs.5,88,72,413/- was proved to have been caused to Hafed. After registration of the FIR, investigation proceedings were initiated. The petitioner was found to be the proprietor of M/s Goyal Foods. Apprehending her arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Kaithal but the same had been dismissed, vide order dated 17.06.2026.

3. It is argued by learned counsel the petitioner that she has been falsely implicated in the present case. The dispute arises out of a contractual arrangement between HAFED and M/s Goyal Foods for custom milling of paddy and is purely civil in nature. The agreement itself provides for recovery of any loss suffered by HAFED together with interest, besides an arbitration clause for resolution of disputes. Proceedings under Section 9 of the Arbitration and Conciliation Act are also pending between the parties. It is further argued that substantial recovery has already been effected by HAFED by way of e-auction of the stock lying in the mill premises and attachment of immovable properties of the rice mills and other family assets. Apart from this, the petitioner had furnished a bank guarantee and security cheques of

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substantial value to secure the contractual obligations, which demonstrates her bona fides and negates any intention to cause wrongful loss. The petitioner is merely the proprietor of the firm on paper, whereas the affairs of the rice mill were being managed by her husband and other family members. The petitioner is a 35-year-old lady having two minor children and has no criminal antecedents. She is ready to join the investigation. Her custodial interrogation is not required. No recovery is to be effected from her. Co-accused Rohit Goyal has already been granted concession of anticipatory bail by this Court. On parity, the petitioner too deserves to be given the same benefit. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of anticipatory bail.

4. Status report has been filed by the respondent-State. Learned State counsel has opposed the prayer of the petitioner by submitting that she is the proprietor of M/s Goyal Foods and is directly responsible for the huge misappropriation of paddy and rice belonging to HAFED, resulting in wrongful loss of more than Rs. 5.88 crores to the State exchequer. The allegations disclose commission of serious offences involving criminal breach of trust and cheating and cannot be treated as a mere civil dispute. The fact that the agreement contains an arbitration clause or provides for recovery of dues does not absolve the petitioner of her criminal liability. Considering the gravity of the allegations, the manner in which the offence has been committed and the requirement of effective investigation, the petitioner does not deserve the extraordinary concession of anticipatory bail. For conducting thorough investigation in the matter, her custodial interrogation is must. It is, thus,

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argued that the petition is liable to be dismissed.

5. This Court has heard the rival submissions.

6. The petitioner is alleged to be involved and to have played active role in misappropriation of a huge quantity of paddy and rice entrusted by HAFED, resulting in wrongful loss of more than Rs.5.88 crores to the State exchequer. The petitioner is the proprietor of M/s Goyal Foods, which was one of the firms entrusted with the custom milling work. At this stage, the plea that the dispute is purely civil in nature or that the agreement contains an arbitration clause cannot eclipse the specific allegations disclosing the commission of cognizable criminal offences. The petitioner cannot claim parity with co-accused Rohit Goyal, as his case stands on an entirely different footing. The said co-accused was neither the proprietor of M/s Goyal Foods nor had he executed the agreement with HAFED or stood as a guarantor thereunder. On the other hand, the petitioner is the proprietor of the firm and is alleged to have been directly responsible for the contractual obligations undertaken by it. Therefore, the principle of parity is not attracted in the facts and circumstances of the present case. The allegations levelled against the petitioner as well as her position in the said firm requires her custodial interrogation for conducting thorough and proper investigation in the matter. In case her custodial interrogation is denied to the investigating agency, the same will leave many glaring loopholes and gaps adversely affecting the investigation. The powers under Section 482 of BNSS are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after

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application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

03.07.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No