

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

103

2026.PHHC:039665



CRM-M-53725-2025 (O&M)  
Date of decision: 13.03.2026.

MADHU BALA @ MADHU SONI

...Petitioner(s)

VERSUS

STATE OF U.T. CHANDIGARH

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Yuvraj Rao, Advocate, for  
Mr. Manoj K. Panchal, Advocate,  
for the petitioner.

Mr. Adhiraj Toor, Advocate, for  
Mr. J.S. Toor, Sr. Advocate,  
for the respondent-State of U.T. Chandigarh.

Mr. Jeevanjot S. Kang, Advocate, and  
Mr. Gurpreet Singla, Advocate,  
for the complainant.

**VINOD S. BHARDWAJ, J. (Oral)**

This is the first petition filed under Section 482 of the Bharatiya  
Nagarik Suraksha Sanhita, 2023, for grant of pre-arrest bail to the petitioner  
in case bearing FIR No.171 dated 07.08.2024, under Section(s) 406 and 420

of the Indian Penal Code, 1860, registered at Police Station Sector 36, Chandigarh (Police Post Sector 43, Bus Stand) Chandigarh.

2 Succinctly stated, the facts leading to the registration of the present FIR are that the same was recorded on the basis of the statement made by the complainant Shikha, who stated that she was working at Lakshita Store, Sector 35-C, SCO No. 421–422, Chandigarh. According to the complainant, Madhu Soni @ Manu Soni, who used to visit the store as a customer, developed acquaintance with her and, during the course of such interaction, obtained her mobile phone number. It was alleged that thereafter Madhu Soni approached the complainant with a proposal to invest money in a trading venture, representing that she would undertake the trading activities on behalf of the complainant and would provide lucrative returns on the investment within a short span of time. The complainant stated that the accused assured her that the investment would yield a return on a percentage basis and on the strength of such assurances she agreed to invest money. Relying upon the representations made by the accused, the complainant invested an amount of Rs.1,50,000/- with the expectation of receiving a return of Rs.1,90,000/-. However, despite repeated assurances and commitments, Madhu Soni failed to honour the agreed terms and did not return the invested amount. The complainant further alleged that the accused continued to postpone repayment by citing various excuses and that more than a month had passed since the promised repayment date of 15.04.2024 without the money being returned. The complainant further stated that she had retained copies of the communications exchanged between her and the accused, including chats, text messages and other electronic correspondence, wherein the accused had

acknowledged the transaction and assured repayment. It was alleged that due to the continued delay and evasive conduct of the accused in returning the money, the complainant had suffered financial hardship and distress. On the basis of the aforesaid allegations, the complainant requested the authorities to take appropriate legal action against Madhu Soni @ Manu Soni whereupon the present FIR came to be registered.

3           The matter came up for hearing on 23.09.2025 when the following order was passed: -

*“Learned Counsel appearing on behalf of the petitioner contends that the FIR is an outcome of an investment advice having gone wrong. He contends that the complainant had invested a sum of Rs. 1,50,000/- in the share market, however, on account of change of mind, she wanted to withdraw the said investment. A sum of Rs. 65,000/- was already returned to the complainant and the petitioner is ready and willing to show her bona fide by paying the entire balance amount as well. He further contends that the petitioner is ready and willing to join the investigation as and when required to do so and that the dispute in question is primarily a money dispute in which criminal proceedings would not be attracted. Notice of motion. Mr. J.S. Toor, Additional Public Prosecutor appears and accepts notice on behalf of respondent-U.T. Chandigarh. To come up on 05.12.2025, for further consideration. In the meantime, the petitioner is directed to join investigation as and when required by the Investigating Agency. In the event of petitioner joining investigation, she shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by her to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 482 of the BNSS, 2023.”*

4           On the next date of hearing i.e. on 05.12.2026, learned Public Prosecutor appearing for respondent-U.T. Chandigarh submitted that despite the specific directions passed by this Court in the order dated 23.09.2025, the petitioner has not joined investigation. Accordingly, the matter was adjourned as there was no representation on behalf of the petitioner. However, interim protection was ordered to continue.

5           On the next date of hearing i.e. on 23.01.2026, again no one appeared on behalf of the petitioner. Counsel entered appearance on behalf of the complainant. Even the payment of Rs.65,000/- as offered by the petitioner and reflected in the order dated 23.09.2025 has been made. However, in the interest of justice, the matter was adjourned for today. It was also recorded that in case there is no representation on behalf of the petitioner, the matter would be decided on its merits.

6           Today, counsel appearing on behalf of the petitioner contends that Mr. M.K. Panchal, is the arguing counsel in the present and that he is not available today. He thus makes a request for Passover, however, he was confronted with the specific order passed by this Court that in the event of non-representation on behalf of the petitioner, the matter would be decided on merits. He submits that the petitioner has already paid the amount of Rs.65,000/- and that she is ready and willing to pay the balance of Rs.85,000/- as well.

7           Counsel for the respondent-State, on the other hand, contends that notwithstanding the direction issued by this Court to join investigation, the petitioner has chosen not to appear before the Investigating Agency. It is contended that a whatsapp message was sent to the petitioner on her mobile phone on 05.03.2026, calling upon her to appear before the Investigating Officer. A call was also made which was answered to by the petitioner, but she declined

to join the investigation. Thereafter, a second call was made yet again on 11.03.2026 spanning over a period of nearly six minutes, however, despite persuasion by the investigating agency, the petitioner declined to join the investigation. It is thus contended that call was made on her number thrice at 9:13 A.M., 9:16 A.M. and 9:17 A.M., however, the petitioner did not answer the calls. He contends that after having the protection of interim bail, the petitioner is avoiding appearance not only before the Investigating Agency but also before this Court.

8 Counsel for the complainant contends that a misleading statement had been made on behalf of the petitioner at the time of the initial hearing on 23.09.2025. It is contended that although it had been represented before this Court that a sum of Rs.65,000/- had already been returned to the complainant, in fact no such payment has been made. Learned counsel further submits that the petitioner has not placed on record any document or material to substantiate the assertion that the said amount was paid. It is further argued that despite the lapse of more than three months since the said statement was made, the petitioner has not taken any steps to demonstrate her readiness and willingness to pay the entire balance amount as well. Learned counsel therefore submits that the plea regarding repayment is merely a pretext being advanced to secure continuation or extension of the interim protection already granted to the petitioner. It is contended that had the petitioner genuinely intended to honour the commitment and return the amount, either the petitioner herself or her counsel would have taken some concrete step towards effecting payment or transferring the money to the complainant.

9            Learned counsel for the petitioner was directed to seek instructions from the petitioner in this regard and the matter was passed over and directed to be taken up for hearing after lunch.

10           On the resumed hearing, counsel for the petitioner contends that a cheque dated February 2026 was purportedly handed over by the petitioner to her counsel, but he is not in a position to explain as to why the said cheque had not been handed over to the complainant till date. He further is not in a position to give any exact information as to whether the petitioner's bank account presently contains sufficient funds to honour the said cheque. He also could not extend any response as to why a cheque was issued in the prevailing circumstances, particularly when an online transfer could have specifically served the purpose of making a transfer in favour of the complainant, if the petitioner so desired.

11           Having heard the counsel for the parties and taking into consideration, the evasive responses made by the counsel for the petitioner and his continued absence before the Court reflects that he does not intend to advance arguments or to honour his statement made before this Court i.e. seeking an amicable resolution of the dispute. The manner in which repeated requests for adjournments have been made suggests that the petitioner has been seeking successive dates primarily with a view to securing continuation of the interim protection granted by this Court on such pretexts.

12           Taking into consideration the unsatisfactory and evasive replies furnished on behalf of the petitioner coupled with the dilatory approach adopted, it becomes apparent that attempts have been made to prolong the adjudication of the present matter without demonstrating any bona fide effort to comply with the assurances earlier extended before this Court. This Court also takes note of the

submissions advanced by the learned State counsel, who has pointed out that the petitioner has declined to join the investigation despite having been called upon to do so on multiple occasions by the Investigating Agency. The said conduct clearly indicates non-compliance of the directions issued by this Court in its order dated 23.09.2025, wherein it had been specifically mandated that the petitioner shall join the investigation as and when required by the Investigating Agency. The material placed on record, therefore, reflects a clear default on the part of the petitioner in complying with the directions of this Court.

13           The present petition is accordingly dismissed.

14           The interim protection granted vide order dated 23.09.2025 stands vacated.

March 13, 2026.  
raj arora

(VINOD S. BHARDWAJ)  
JUDGE

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