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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

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**CRM-M No.60099 of 2024
Date of decision: 09.01.2025**

Usha

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Ankit Bishnoi, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
320	02.10.2024	Sector-9A, District Gurugram	420 and 120-B of IPC and 21 (3), 22 and 23 of Banning of Unregulated Deposit Schemes Act, 2019 (For short "Act, 2019")

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2. Brief facts relevant for the purpose of disposal of the present petition are that the accused Deepak Janghra was acquainted with the complainant Sanjay Kumar since the year 2015 and was also in visiting terms with him. In the year 2021, he induced the complainant to invest money in Omega Pro Company by representing that the said company which was Dubai based, used to return three fold amount of the investments made with it within a short period of 16 months. He disclosed that he himself was associated with the said company which used to give handsome ranks/rewards on making investments of different amounts of money. He further allured the petitioner to invest money with the said Company through him. On being so induced, the complainant invested a huge amount of money with accused Deepak Janghra. The present petitioner who is wife of accused Deepak Janghra and her brother Anand also used to be involved with him and used to take money from the complainant. Not only the complainant but on his asking, some of his friends and acquaintances, also invested money with the aforementioned Company through the accused Deepak Janghra. Subsequently the accused Deepak Janghra represented that the name of Omega Pro was changed to Go-Global Company. The complainant alleged that subsequently the present petitioner and the co-accused failed to return the money so invested and when the complainant insisted for the same, he was

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extended threats by all of them. On his complaint, the aforementioned FIR had been registered. Investigation proceedings were initiated and are underway. Apprehending her arrest, the petitioner had moved an application for grant of pre arrest bail which had been dismissed by the Court of learned Additional Sessions Judge, Gurugram vide order dated 18.11.2024.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in his case. She is a simple homemaker She is neither Director of the Omega Pro Company and Go-Global Company nor she has any concern with the same. No money had been invested by the complainant through her. A false story has been planted against her only because of the fact that her husband has been named as an accused. The allegations qua commission of offence of cheating or hatching any criminal conspiracy have not at all been made out against her. Neither the provisions of Act, 2019 are attracted against her. She is ready to join the investigation. Her custodial interrogation is not required. No purpose would be served by detaining her in custody. Therefore, it is urged that she deserves benefit of pre arrest bail.

4. Status report has been filed by the respondent-State. It is submitted therein and learned Assistant Advocate General, Haryana has vehemently argued that there are serious allegations against the petitioner as she in connivance with her husband i.e. co-accused Deepak Janghra

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and other accused had fraudulently obtained an amount of Rs.2,72,00,000/- from the complainant and other victims on the pretext of investing the same in Omega Pro and Go-Global Companies by alluring them on the pretext that the same would fetch huge profits and had caused wrongful loss to the complainant. For conducting proper and thorough investigation in the matter, the custodial interrogation of the petitioner is required especially in the circumstance that her husband has absconded. Information about the modus operandi of the co-accused and the petitioner is to be elicited from her apart from recovering the money invested by the complainant. No exceptional circumstance for grant of pre arrest bail is even otherwise made out. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The accused Deepak Janghra who is husband of the petitioner by conniving with her and other accused, is alleged to have duped the complainant and some other persons of huge amount of money on the pretext of investing the same with Omega Pro Company through him and then by not giving back the same to the victims. The co-accused has not been arrested. There are specific allegations that the petitioner was actively involved with her husband and used to take money from the complainant. Merely because of the fact that no amount of money

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belonging to the complainant has been shown to be deposited in her account, it cannot be stated that she is innocent. For conducting thorough investigation in the matter, her custodial interrogation is required. Moreso, it is well settled proposition of law that arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. The powers of anticipatory bail are extra ordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion conferred upon the Court has to be properly exercised after 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 of anticipatory bail. 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

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powers for grant of anticipatory bail by this Court are existing. As such, I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

09.01.2025

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(MANISHA BATRA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No