



CRM-M-41922-2025

-1-

**101+207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-41922-2025 (O&M)

Decided on: 08.08.2025

Divya Thakur

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. J.S. Lalli, Advocate, for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Mr. Rahul Sangam, Advocate, for the complainant.

Rajesh Bhardwaj, J.CRM-31087-2025

Prayer in the present application is for impleading the complainant as respondent No.2 in the present petition.

Notice in the application.

Mr. Tanuj Sharma, AAG, Haryana, accepts notice on behalf of the State and pleads no objection, if the present application is allowed.

For the reasons mentioned in the application, the same is allowed. The complainant is ordered to be impleaded as respondent No.2.

Amended memo of parties annexed with the application is taken on record.

Main case

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.113 dated 17.06.2025, registered under Sections 316(3), 318(4), 61 of BNS, 2023, at Police Station Sector-7, Panchkula.

2. Succinctly, facts of the case are that the FIR in the present case



has been registered on the statement of complainant Ashok Kumar. It was alleged that his daughter Devika alongwith her husband Rishabh and minor son is residing in London (UK) since 2022. In February, 2025, he planned to visit his daughter in London alongwith his wife and younger daughter. For booking the tickets, he contacted Divya Thakur (petitioner) on her mobile. The details of payment were given by Divya Thakur and thus, the complainant paid an advance of Rs.10 lacs in cash to her at his residence. She also signed an agreement-cum-receipt confirming the payment. The complainant was assured that tickets would be booked soon and the confirmation of the same would be provided to him. Detail of the payments made through the Bank was also alleged in the FIR. However, Divya Thakur as well as co-accused Gurjeet started avoiding his calls and finally he found himself having been cheated by the accused for amount of more than Rs.25 lacs. Neither the tickets were provided to the petitioner nor money was returned to him. Request was made to take legal action against the culprits. On the registration of the FIR, the investigation commenced. Apprehending arrest, the petitioner approached the Court of the learned Additional Sessions Judge, Panchkula for grant of concession of anticipatory bail, however, after hearing both the sides, the said relief was declined to him vide order dated 15.07.2025. Hence, aggrieved against the said order, the petitioner is before this Court by of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that the allegations levelled by the complainant that the petitioner



is the partner with co-accused, are factually incorrect as the petitioner is not the partner of the co-accused, rather she was an employee in the firm, namely, M/s Shiba Travels. It has been submitted that Rishabh Wadhwa, who is son-in-law of the complainant, was the regular client of the firm and the petitioner was working in the same firm. He submits that Rishabh Wadhwa was regularly visiting foreign countries and for the same he gets his tickets booked from the firm. He submits that the tickets were provided by the firm. He has submitted that the allegation of the complainant that no travel ticket was provided as booked by M/s Shiba Travels, to the complainant, is totally false. He submits that Rishabh Wadhwa and one Royeth Fernades had travelled on the tickets issued by the firm. He submits that the dispute alleged is totally of civil nature and no offence as alleged is made out against the petitioner. He, thus, submits that there being no *prima facie* case having been out against the petitioner, she deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has opposed the bail application. It is submitted that the petitioner is a habitual offender. It is submitted that there are specific allegations against the petitioner and the co-accused that the complainant has made payment to them. He submits that out of total amount some of the transaction is also made through the Bank. Neither the complainant was provided with the tickets nor his amount was returned to him. It is also submitted that the petitioner is facing prosecution in six other FIRs of the similar nature. He, thus, submits that investigation is at initial stage and the same would be seriously prejudiced, if the petitioner is granted concession of interim bail.



5. After hearing learned counsel for the parties and perusing the available record, it is deciphered that the complainant contacted the petitioner for purchasing the tickets. Payment of Rs.10 lacs in advance was also made in cash and the receipt of the same was also issued. There are transaction made by the complainant through the Bank as well. However, after having taken the amount, the petitioner started avoiding his calls. Neither the complainant was issued with the tickets nor his amount was returned. As submitted before this Court, the petitioner is not only involved in the present case, but also facing prosecution in six other FIRs of the similar nature. The investigation is at initial stage.

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-*
 - (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 ensconded 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 his 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.

08.08.2025
sharmila

(RAJESH BHARDWAJ)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No