



CRM-M-52338-2025

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

CRM-M-52338-2025

Date of decision: 22.09.2025

Poonam Rani

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Naveen Bawa, Advocate for the petitioner.

Mr. Amit K. Goyal, Additional Advocate General, Punjab.

Mr. Ketan Chopra, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.20 dated 27.08.2025 registered for offences punishable under Sections 308(2) of the BNS, 2023 (384 of IPC) at Police Station NRI, District Ludhiana.

2. The gravamen of the FIR pertains to issuance of threats and illegal activities being carried out in the house of the complainant namely Neeru Bala, an NRI, currently living in the USA by Poonam (petitioner herein) and her husband namely Ashok Kumar. She alleged that in November 2024, her husband namely Pawan Kumar visited India. During the stay of her husband in India, he allegedly met with an accident being set up by the accused Poonam (petitioner herein) and her husband namely Ashok in order to keep the husband of the complainant in India. The aforesaid accused, thereafter, blocked the number of the complainant from the mobile of her husband and also changed the passwords of the security



cameras to prevent any access. It was further alleged that the accused Poonam (petitioner herein) attempted to manipulate the husband of the complainant to obtain the power of attorney of their properties. It was further alleged that the accused Ashok, who is the husband of the petitioner, also applied some oil on the legs of the husband of the complainant which caused a long lasting infection. Furthermore, the accused Poonam (petitioner herein) who had keys of the house of the complainant for cleaning purposes, misused the property for illegal activities such as prostitution and drugs. The aforesaid accused also linked the security camera system installed at the house of the complainant to their phones and the cameras would often appear offline. Moreover, the electricity bills of the house of the complainant also rose many folds after giving access to the aforesaid accused i.e. Rs.20,000/- per bill cycle. When the complainant demanded the keys of her house, the accused Poonam (petitioner herein) refused, threatened the complainant and falsely claimed ownership of the house. The accused Poonam (petitioner herein) even extorted money in exchange for returning the keys. It was further alleged that the accused Poonam (petitioner herein) had called the complainant several times, threatening her not to return to her house in India else she would face the consequences. Due to this, the complainant had requested her neighbor, who is the President of Sector 32-A, to put an extra lock on the main gate of the house of the complainant. On the basis of the aforesaid complaint, instant FIR has been registered against the petitioner and her husband and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question as she has no



connection whatsoever with the alleged offence. Learned counsel has further iterated that the petitioner, a poor maid, is in fact a victim of rape at the hands of the husband of the complainant, regarding which FIR No.0019 dated 27.08.2025 under Section 64 of BNS was registered at Police Station NRI. As a counterblast, the complainant has managed to get the impugned FIR registered against the petitioner and her husband only to pressurize her. According to learned counsel, the entire narrative of the FIR is concocted which was projected by the complainant to shield her husband and to harass the petitioner. Furthermore, no witness or material has been brought on record to substantiate the grave allegations. Neither the petitioner nor her husband ever made or circulated any alleged video nor demanded money from the complainant which has also come forth in the preliminary enquiry. It has been further argued that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from her. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case she is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. According to learned State counsel, the allegations in the FIR are grave in nature involving blackmailing and extortion. Considering the seriousness of the allegations, the custodial interrogation of the petitioner is necessary to unearth the broader conspiracy, if any. Furthermore, in case the petitioner is



granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant petition.

5. Learned counsel appearing for the complainant has vociferously opposed the grant of bail to the petitioner. He has submitted that the complainant resides abroad and has entrusted her house to the petitioner for cleaning purpose. According to learned counsel, the petitioner honey trapped the husband of the complainant, made video clips and sent the same to the complainant from the mobile phone of her husband namely Ashok Kumar and demanded Rs.3.50 lacs. Accordingly, a prayer has been made for the dismissal of the instant petition.

6. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

7. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The allegations contained in the FIR cannot be brushed aside as vague or baseless as the record reveals that the petitioner alongwith her husband honey trapped the husband of the complainant into establishing illicit relations with the petitioner and deliberately video-graphed the incident. Thereafter, they transmitted the video clips to the complainant and attempted to extort money by threatening to make it viral. As per the stand of the State, the mobile phone used for recording the videos, the original video data stored therein and the mobile phone(s) allegedly used for transmitting the clips to the complainant are yet to be recovered as these constitute vital evidence for the



progress of investigation. It is settled law that while considering anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. The allegations, if found to be true, reflect a deliberate attempt to defraud the complainant. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

8. The plea of false implication and counterblast raised by the petitioner involves appreciation of evidence which cannot be considered and permissible at the stage of consideration of plea for anticipatory bail. Whether the FIR lodged by the complainant is a counterblast to the FIR registered against the husband of the petitioner can only be adjudicated upon the conclusion of the investigation or during the course of trial. In the considered opinion of this Court, granting anticipatory bail at this stage may likely to hamper the on-going investigation.

9. In the considered opinion of this Court, the custodial interrogation of the petitioner may be necessary to recovery the DVR, to verify the alleged video as also to unearth the role/involvement of other accused. Moreover, considering the allegations levelled in the FIR which are grave in nature involving betrayal of trust, blackmailing and extortion as also the role of the petitioner, it is not appropriate to grant bail at this nascent stage. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the complainant has categorically stated that the petitioner alongwith her



husband recorded a compromise video of the husband of the complainant but also attempted to extort money by threatening to make it viral.

10. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In **State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039**, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-enconced 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 materials 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 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 a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”



11. In view of the gravity of the allegations, the specific role attributed to the petitioner and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

12. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 22, 2025
Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No