

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-29723-2024  
Reserved on: 28.04.2025  
Pronounced on: 29.04.2025

Surekha Bangia @ Surekha Bangia Pal ...Petitioner

Versus

State of Haryana ...Respondent

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr. G.S. Dhot, Advocate  
for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

Mr. Jitender Singh Dadwal, Legal Aid Counsel  
for the complainant.

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**ANOOP CHITKARA, J.**

FIR No.	Dated	Police Station	Sections
403	21.10.2023	Faridabad NIT, District Faridabad	420 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC seeking anticipatory bail.
2. Vide order dated 13.06.2024, the petitioner was granted interim bail, which continues to date.
3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

*“XXXXX Complaint for FIR against Mrs. Surekha Bangia, 2 Sons Mr. Kunal Ruchir Bangia, Mr. Subhash (Fbd.) M/s. TSP Overseas, Kandivali West, Mby. etc. (Partners) AND to get back my hard earned money kept as FD's for my old age. It is humbly submitted that the undersigned was subject to cheating, extortion by Mrs. Surekha Bangia and her accomplices by Mischievous Mindsets, Manipulations and Luring skills, taken cheated me for Rs. 68.50 Lac (net) Interest etc. @ 2.5% offered after Transferring urgent needed CAD to my son in Canada by Thuggi and deceitfulness displayed at time of getting my FDs broken. Brief facts of the case are that in the month of August 2021, she contacted undersigned to help her get resumed House No. 262-P, Sector-8, Faridabad through the Estate officer, HUDA, Sector-12, Faridabad. Thereafter she lured me to solemnize*

*marriage with her as she had knowledge that my wife succumbed to death a few months back. After meeting a no. of times, she won my faith and after getting my permission (while undersigned was in Canada sending getting rent agreement thr.' email etc.). she started her business in foreign exchange (named Fx Facilitators) in my Shop No. 5F-1, 1st floor, NIT, Faridabad. On 13.11.2022, u/signed met her to collect rent of my shop (of 4 months) where she offered lured me to transfer funds (for home purchase) to my son Mohit Nagpal in Canada at slightly cheaper rate than IBR upon which U/signed paid Rs. 74.50 Lac to her in different modes including Cash 2 RTGS. When I enquired from my son, came to know that no money has been transferred by her to him. When I asked her about my money, she made excuses on one pretext or other. In the meanwhile she pretended to be my would be wife. However on my repeated continuous requests, she transferred 12,000 Canadian dollars only. Her behavior and attitude had become very manipulative, rude, scolding, abusive whenever u/signed asked for transfer of CAD or refund my money back. It is further submitted that when I requested her to vacate my Shop No. 5F-1, 1st floor, NIT, Faridabad on 24.01.2023 (by email sp.-posts after getting Vulgar abused), she lodged false FIR No. 15 dated 28.01.2023 in Women Police Station, NIT Faridabad. She levelled allegations against me that on 27.01.2023 at Shop No. 5F-1, 1st floor, NIT, Faridabad I offered her to go to hotel and she refused then I molested her. She further alleged that I had sent her an obscene video on 03.12.2022. This case is practically an outcome of mollified deceitful intentions to Hush up the hard earned money of u/signed. It is respectfully submitted that Police did not enquire /Investigate these allegations and straightway made arrest of the undersigned. Police did not verify that whether I and Mrs. Surekha were present at Shop No. 5F-1, 1st floor, NIT, Faridabad on 27.01.2023 even or not / And Office was even open or Not. Police did not verify whether she sent any video /pics to me also around 03.12.2022 or not. In actual, she even demanded more money from me after 03.12.2022 and on 21.01.2023, again harassed a lot for 20 Lac more (Cash first and then posting her ICICI bank Sec.7 cheque for RTGS transfer) when u/signed was busy in Road Safety Meeting for 4.5 hrs app. U/signed paid her 17000 Thai Bahts after returning my home where she kept waiting for 3 hours app. on pretext of giving Thai bahts to some one waiting near Ozone Sai Plaza, Sec.12 urgently. However all these above stated important facts have NOT been concluded by Police at all in the investigations. In view of the above, you are requested to direct Faridabad Police to conduct fair further investigation in case registered against the undersigned and further to lodge FIR against Mrs. Surekha Bangia other*

*accomplices for committing cheating, extortion in order to hush up my hard earned money with interests etc. i.e Rs. 68.50 (is Mool Dhan) Lac SD Applicant Pawan Nagpal.”*

4. Counsel for the petitioner submits that only an amount of Rs.15 lakh was transferred in the account of the petitioner from the side of the complainant and rest of the amount was paid by the complainant to the TSP Overseas Company. He further submits that pursuant to order dated 13.06.2024 passed by this Court, the petitioner had joined investigation and handed over three demand drafts of Rs.20 lakhs in total to the complainant on 06.07.2024. Rest of the amount was paid by the complainant to the TPS Overseas Company and petitioner has no concern with the same. The petitioner's counsel further prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. The State's counsel opposes bail and refers to the status report.

6. It would be appropriate to refer to the following portions of the status report, which read as follows:

*“11. That role of the petitioner/accused is that she is the main named accused in this case and has committed a fraud of amounting to Rs.68,50,000/- with the complainant and she has taken unlawful benefit from the complainant and caused him a huge loss. The remaining amount of Rs.48,50,000/- is to be recovered from the petitioner/accused.*

*12. That there are serious allegations against the petitioner and she is not cooperating in the investigation. The custodial interrogation of the petitioner/accused is required to recover the amount of Rs.48,50,000/- and also to know the whereabouts of co-accused Subhash. Hence, there is every likelihood that the petitioner can temper with the prosecution evidence and influence the witnesses. Keeping in view the gravity of offense, the petitioner does not deserve concession of bail. Hence, the anticipatory bail petition of the petitioner may kindly be dismissed.”*

**REASONING:**

7. As per paragraph 2 of the status report, the petitioner, to show her bona fide, had paid a sum of Rs.20 lakhs to the complainant by way of three demand drafts, as such, no ground is made out to deny her bail.

8. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame

charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

9. The petitioner was granted interim protection, and during the interregnum, there is no allegation that she had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute.

10. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

***11. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.***

12. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

13. In parting, investigator is directed to recover the amount transferred by the complainant in the account of TSP Overseas Company or wherever the amount was transferred from the account of complainant by freezing all those bank accounts where the amount was transferred to the extent of amount credited in those accounts. All the concerned Managers of the Banks are directed to cooperate with the concerned investigator, in case, such request is made on his behalf.

14. **Petition allowed** in terms mentioned above. Interim order dated 13.06.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

29.04.2025  
Jyoti-II

Whether speaking/reasoned: Yes  
Whether reportable: No.