



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

141

CRM-M-30301-2025
DATE OF DECISION: 28.05.2025

NIRMA SHARMA

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Komal Balain, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

Learned counsel for the petitioner at the outset points out that in the head note and prayer clause, inadvertently Sections 467, 468 and 471 of the IPC are not mentioned whereas the same are mentioned in the order dated 22.03.2023 passed by the Trial Court while dismissing his bail application.

This Court finds this to be correct and hence, this Court has no hesitation in mentioning the Sections 467, 468 and 471 of IPC in prayer clause and the head note of the petition.

1. **Prayer**

This petition has been filed under Section 482 of B.N.S.S. 2023 for grant of anticipatory Bail in F.I.R. No. 216, Dated 17.11.2022 Under Sections 406/420/467/468 and 471 of IPC, registered before Police Station Jui Kalan, District Bhiwani, Haryana, (Annexure P-1).



2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

'It is recorded that at this time an application number 241-PG dated 14.09.22 has been lodged in Bajaria Divisional Postal Police Station. Received the details of which are as follows- To, SHO, Bhiwani. Subject: To investigate the false application given by Bijendra son Jaipal resident of Asalwas Dubiya tehsil and district Bhiwani and to get back the money cheated by Bijendra. Sir, the request is that I Nafe Singh son of Shri Chandgi Ram, 2 Ramkishan son of Chandgi Ram, 3 Satyanarayan son of Chandgi Ram, 4 Ramphal son of Chandgi Ram, 5 Rajpal son of Shri Ramkumar all residents of village Asalwas Dubiya tehsil and district Bhiwani and request you that the above Bijendra who is a trickster and a fraudster and he trapped us in his tricks in different ways and he took twelve lakh rupees from applicant number one by giving the false promise of a job and neither got him a job nor returned the money. That when applicant no. I Nafe Singh asked for the money, the accused has said that he will file a false application against all of us, alleged that we threaten him and on the contrary, Nafe Singh has demanded five lakh rupees. He alleged that on 22.10.2022, Nafe Singh took five lakh rupees from me whereas the said date has not come till now. That Panchayat has been held in the village 3-4 times and in the last Panchayat, he had fixed a date for giving four lakh rupees, but he has not given that amount till date and now he has clearly refused to give it. This person is a total liar and is now threatening us to commit suicide and is conspiring to trap us. He has cheated people from nearby villages and relatives of crores of rupees and many people from outside come to the village for money. I don't know how many people he has cheated and many people from our village ask for money from him, who have given their affidavits on the spot, a copy of which is attached. Therefore, a case under section 420 and a case of economic crime should be registered against him



and the amount of twelve lakh rupees taken from applicant number 1 should be recovered. Who else has he cheated like this and for how long, he has been trapping people in his trap, justice should be given to them and after a full investigation, we should be freed from the false application given by him. It will be highly grateful to you. Sattrayan, Nafe Singh, Ram Kishan, Ramphal, Rajpal Singh, 1 Nafe Singh son of Shri Chandgi Ram, 2 Ramkishan son of Chandgi Ram, 3 Satyanarayan son of Chandgi Ram, 4 Ramphal son of Chandgi Ram, 5 Rajpal son of Shri Ramkumar residents of Asalwas Dubiya Tehsil and District Bhiwani, Mobile 805963656.'

3. Contentions

On behalf of the petitioner

Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in the present case. She submits that the main accused Bijender lured the petitioner that he can arrange jobs for the client of the petitioner and also took money from him also on this pretext. Thereafter, the petitioner repaid her clients from her own pocket. She further submits that the petitioner was implicated in the present case on the basis of the disclosure statement of the main accused, moreover the allegations regarding transaction of dividing Rs. 12 lakhs is completely false. It is her further contention that the main accused Bijender has already been granted concession of regular bail by the Trial Court.

Learned counsel for the petitioner undertakes that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer.

Notice of motion.

**On behalf of the State**

Learned State Counsel appearing on advance notice on instructions from Investigating officer vehemently opposes the prayer for grant of concession of anticipatory bail stating that as per the call details, the petitioner was in constant touch with the main accused and money was also transacted in the account of the petitioner.

4. Analysis

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties to the effect that the main accused Bijender has been granted concession of bail by the Trial Court and except the call details, no incriminating material has been produced by the State Counsel to connect the petitioner with the alleged offence, moreover, there is no other material to show by the State to the extent of sharing the alleged amount involved in the present case, hence, this Court finds no reason to deny the petitioner the concession of anticipatory bail, wherein the petitioner has bona fide intentions and is willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency within the stipulated time period.

5. Relief

Hence, in view of the admitted set of circumstances before this Court, the petitioner is hereby directed to be released on anticipatory bail subject to him joining investigation and reporting to the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the



terms and conditions as envisaged under Section 482(2) of BNSS of which are reproduced below :-

'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.'*

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within one week, the order passed by this Court today shall automatically stand cancelled.

The petition in the aforesaid terms stand allowed.

(SANDEEP MOUDGIL)
JUDGE

28.05.2025
anuradha

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>