



CRM-M-32662-2025

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202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32662-2025

Date of decision: 25.07.2025

MONIKA AGGARWAL

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lalit Sharma, Advocate for the petitioner.

Mr. Akshay Kumar, Asst. AG, Punjab.

Mr. Pardeep Kumar, Advocate for the complainant.

ANOOP CHITKARA, J. (ORAL)

FIR No.	Dated	Police Station	Sections
56	17.04.2024	City-I Mansa, District Mansa	420/465/467/120-B of IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 15 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the order dated 02.06.2025 passed by Sessions Judge, Mansa filed by the State, which reads as follows:

“From perusal of the police file, this Court finds that this case was registered on the application moved by complainant Gurwinder Singh for taking action against Chhavi Sharma wife of Arwinder Kumar Sharma, Arvinder Kumar Sharma son of Krishan Chand Sharma and Monika Aggarwal, partner M/s Star Future Education & Immigration Service, SCO-664, Top Floor, Sector-70 Mohali for committing fraud with the complainant on the pretext of sending his son abroad. In the application, it is submitted that complainant is resident of Jhunir, Tehsil Sardulgarh, District Mansa and an agriculturist by profession. His son Komalpreet Singh passed class 10+2 and he had also cleared PTE test for going abroad. He contacted Star Future Education & Immigration Service, SCO-664, Top Floor, Sector-70 Mohali for sending his son to Australia, because the friend of his son namely Rajpreet Singh also filed application through their firm. In May 2023, he along with his son Komapreet Singh, his friend Rajpreet



Singh and their uncle Ranjit Singh went to the office of Star Future Education & Immigration Service, SCO- 664, Top Floor, Sector-70 Mohali and shown all the documents of Komalpreet Singh to the accused. At this, accused Monika told them that they have checked all the papers of his son Komapreet Singh and he will get study visa of Australia and they will apply their file and visa will be issued. For the entire work, they demanded Rs.17,50,000/-. When asked to elaborate about the payment, they disclosed that firstly a sum of Rs.1,00,000/- is to be paid and they will apply their file and after getting the offer letter from a university in Australia, remaining payment will be taken. They asked them to reduce the money, but they flatly refused to do so. After few days, he received a telephone call from them whereby they assured that his son will get study visa and asked them to apply the file. At this, they paid a sum of Rs.1,00,000/- in cash to Chhavi Sharma along with all the documents of his son and she stated that now file will be applied. Thereafter, on the mobile phone of his son Komalpreet Singh WhatsApp No.89688-20434, one message was received from the mobile No.95929-15503 of Monika Aggarwal dated 31.05.2023, whereby offer was given to his son thereby mentioning the name of the school, e-mail and name of the course and also sent an offer letter to them. Due to which, he was assured that they have applied the file of his son for Australia. After sending offer letter, Monika Aggarwal through her mobile No.95929-15503 sent a message on the mobile phone of his son No.89688-20434 and sent account details of their firm and asked them to make the remaining payment in their account, so that they can apply their file. Thereafter, he from his account No.916010010752408 Axis Bank, Mansa on 02.06.2023, transferred a sum of Rs.12,00,000/- through RTGS and on 11.07.2023 paid a sum of Rs.3,00,000/- through RTGS in their account. It is further alleged by him that in the Google Pay No.82840- 14843 of Monika Aggarwal, a sum of Rs.60,000/- was paid on 23.06.2023 and Rs.65,000/- on 11.07.2023. In this way, a total sum of Rs.17,23,000/- was paid to the accused. After making the payment, when he contacted them that when visa will be provided, they assured that study visa will be granted within one month. It is further alleged that after taking the entire payment, these accused started lingering on the matter on one pretext or the other and even stopped taking their telephone. They many times visited their office at Mohali, but accused failed to give any reasonable explanation and due to which, he became suspicious. Thereafter, when his son Komalpreet Singh sent a mail to the school/university at their e-mail address intapplication@latrobe.edu.au and asked about the information of offer letter and CEO certificate, the said school informed his son through e-mail that the offer letter and CEO certificate issued by the accused is a forged and fabricated document and they have not received any payment from the accused. The accused by giving forged and fabricated offer letter and CEO certificate had committed fraud with them to the tune of Rs. 17,23,000/-. Now, he has also come



to know that the accused had also committed fraud with Rajpreet Singh son of Mehar Singh, resident of Dalel Wala, Tehsil Budhlada, District Mansa, Jaspreet Kaur daughter of Gurdeep Singh, resident of Chotia, Tehsil Sardulgarh, District Mansa and Jashandeep Singh son of Hardeep Singh, resident of Dalel Wala, Tehsil Budhlada, District Mansa by giving them forged and fabricated offer letters and CEO certificates for sending them to Australia. He also come to know that another FIR No.61 dated 07.04.2023 under Section 406, 420, 120B IPC and under Section 24 of Immigration Act, Police Station, Mataur, District SAS Nagar is registered against them. On the basis of this, this case was thoroughly investigated by the police and it was found that the accused had committed a fraud to the tune of Rs.17,23,000/- with the complainant on the pretext of sending his son abroad on study visa. Accordingly, the present FIR was lodged under Sections 420, 465, 467, 120-B IPC.”

4. Counsel for the petitioner submit that she is an employee of company which committed the fraud, as per allegations only Rs.60,000/- and RS.65,000/- was paid to her. He further submits that petitioner has voluntarily handed over demand drafts of Rs.60,000/- and Rs.65,000/- subject to all just exceptions to the counsel for the complainant. He further prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail on instructions.

REASONING:

6. Allegations against the petitioner are of receipt of Rs.60,000/-and Rs.65,000/-. Petitioner voluntarily handed over demand drafts of Rs.60,000/- and Rs.65,000/- to complainant counsel to prove her bonafide in Court. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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 it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

7. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty



Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner's complying with the following terms.

11. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. 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.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

14. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable



to impose the following additional condition.

15. *This bail is conditional, and the foundational condition is that if the petitioners 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.*

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

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

25.07.2025
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(ANOOP CHITKARA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No