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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-22724-2025

DATE OF DECISION: 29.04.2025

SMT. KANTA KHANNA

...PETITIONER

Versus

STATE OF HARYANA

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Aditya Sanghi, Advocate for the petitioner(s).

Mr. Chetan Sharma, DAG, Haryana.

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**SANDEEP MOUDGIL, J (ORAL)****1. Prayer**

This petition has been filed under Section 482 of BNSS-2023 for grant of concession of anticipatory bail to the petitioner-Smt. Kanta Khanna, aged 48 years wife of Shri Rajesh Khanna, in case arising out of FIR No. 298, dated 08-08-2024, under Sections 318(2), 316(2) of BNS-2023 and Sections 406/420/467/468/471,120-B of IPC at P.S. Sirsa Sadar, District Sirsa, Haryana.

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

*‘1. That the applicant is a resident of District Sirsa and is a peace-loving, law-abiding person. He has been running a commission agency under the name M/s Sanjay Kumar &*



*Company for several years in New Anaj Mandi, District Sirsa.*

*2. That accused No. 4, who was running a firm under the name Shiv Traders as its proprietor, approached the applicant in August 2022 with a proposal to start a rice mill and lured the applicant with the assurance that he would be able to smoothly operate the rice mill. The applicant expressed his lack of knowledge regarding rice mills and stated that he has only worked in commission agency since the beginning. Accused No. 4 claimed that he had long been associated with Vipin Singla in Singla Industries and was well-experienced in rice mill operations. He assured the applicant that he would manage everything himself and hand over the profits to the applicant each year. The applicant, trusting the false assurances and temptations of accused No. 4, agreed to partner with him in opening the rice mill.*

*3. That after the proposal was accepted, accused No. 4 introduced the applicant to the remaining co-accused in connection with the rice mill. All three accused persons, in collusion and as part of a criminal conspiracy, interacted with the applicant with the intent to cause him financial and mental harm and to unlawfully gain benefits for themselves. On 01.10.2022, the applicant and accused No. 4 executed a partnership deed, bearing the signatures of accused No. 4 and accused No. 3. (Copy of the deed is enclosed.)*

*4. That it was agreed upon that the applicant would handle mandi operations only, while the purchase, sale, and manufacturing operations of the rice mill would remain with accused No. 4. Accused No. 2 would be responsible for maintaining complete records of paddy and rice entering and leaving the factory, and no goods would enter or exit without his signature/knowledge. Accused No. 3 was to prepare statements of profit and loss and tax payments to the government and was employed in the factory for this purpose. Accused Nos. 2 and 3 were appointed by accused No. 4 to handle factory operations.*



*The accused persons, misusing the trust of the applicant, obtained his signatures on blank cheques and 54 papers, stating that he was a 60% partner and his signatures were required for smooth functioning. They also obtained his online banking password for NEFT and other transactions.*

*5. That as per the partnership deed, no partner was to act against the firm or perform any act that would cause harm to the firm. However, the accused persons, in furtherance of their conspiracy and with the intent to cheat the applicant, executed the deed fraudulently and caused financial and mental loss to the applicant.*

*6. That the applicant and accused No. 4 commenced business under the name Mahalakshmi Rice Mill, but the accused persons took control of the operations without keeping the applicant informed. When the applicant was not given any accounts or share in profits, he demanded all records of Mahalakshmi Rice Mill. The accused persons delayed and evaded, and denied him access to records, despite the partnership deed allowing any partner to inspect records. They kept the applicant completely excluded.*

*7. That the applicant tried multiple times to enforce his rights under the partnership deed and to monitor the rice mill's functioning, but the accused persons never disclosed what was going on. All returns and statements were prepared behind his back, and were signed solely by accused No. 4.*

*8. That on the assurance of accused No. 4, the applicant continued to purchase paddy from Sirsa Mandi and supply it to Mahalakshmi Rice Mill till March 2023. Accused No. 4 claimed the mill was running properly and more stock was needed, and that there were no losses.*

*9. That accused No. 4 has also been running his own firm Shiv Traders (accused No. 1), and that firm's proprietor is only accused No. 4. The accused persons showed large quantities of goods from Mahalakshmi Rice Mill as sold to Shiv Traders, and*



*misappropriated the goods. Shiv Traders, in connivance with accused Nos. 2 and 3, kept selling the rice and paddy and causing losses to Mahalakshmi Rice Mill. This illegal activity was done with intent to embezzle money and harm the applicant. (Receipts and weighing slips can be produced upon demand.)*

*10. That Mahalakshmi Rice Mill had purchased a total of 82,500 quintals of paddy and 28,050 quintals of rice. When the applicant sought accounts for this, none were provided. In September 2023, accused No. 1 informed the applicant that the rice mill was running at a loss and many sale proceeds had not been received.*

*11. That when the applicant reviewed the records, he was shocked to find that 33,793.94 quintals of rice and paddy had been shown as sold to Shiv Traders (accused No. 1), and 3,368 quintals shown as purchased from Shiv Traders, with no bills or receipts entered in the firm's accounts-only rough receipts and weighing slips exist, suggesting bogus sales. Approximately 12 crores worth of stock was embezzled and remains with the accused.*

*12. That when the applicant questioned accused Nos. 4 and 2, they arrogantly responded that they had already committed the embezzlement and fraud, and now he could do nothing. They stated that they had already filed income tax and other returns in collusion with accused No. 3, and he could no longer demand the records or money. The applicant managed to obtain some records which confirm that large quantities of goods were sent from Mahalakshmi Rice Mill to Shiv Traders, Rania.*

*13. That upon conducting inquiry at his own level, the applicant found that Shiv Traders had sold the stolen goods using fake bills and started a new rice mill under the name Sunlight Rice Mill Pvt. Ltd. at Surtiya Road, Rori, using the embezzled funds. The applicant's profits were also misappropriated and the government was defrauded by submitting false documents.*



14. That when the applicant contacted accused No. 3 and requested correct records or proper return filings, he was bluntly refused. Accused No. 4, as part of a conspiracy, replaced the government-registered mobile number with the applicant's number to mislead authorities.

15. That on 14.06.2024, the applicant had sent a complaint by post, registered as Complaint No. 3027-PU dated 18.06.2024, which was marked to Police Station City, Sirsa, and later forwarded to JJ Colony Police Post, Sirsa. Till date, no action has been taken, no statement recorded, and the accused persons have not been summoned to submit documents or records.

16. That the accused persons are politically well-connected and influential, with deep reach in the police and political circles. Since the filing of the complaint, they have been pressuring the applicant and his family to withdraw the complaint, and have been threatening to kill them if they proceed.

17. That the accused persons also threaten the applicant by saying that he belongs to a minority group, and that even his community cannot recover the embezzled amount from them, and that no officer can harm them. If he proceeds with legal action, he and his family will be killed.'

### 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. He submits that the petitioner is wife of the main accused Rajesh Khanna who has been granted concession of anticipatory bail vide order dated 19.09.2024 passed in CRM-M-46700-2024, other wise parties are also entangled in a civil litigation i.e. civil suit for rendition of accounts was filed by the main accused Rajesh Khanna before the Civil Court at



Sirsa and notice in that case has been served upon the complainant. In that civil suit counter claim has also been preferred by the complainant seeking recovery against the main accused. Learned counsel for the petitioner has argued that the instant FIR is nothing but an abuse to process of law and further urged that the dispute involved in the present case is civil in nature which has been given colour of criminal liability.

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 an amount of Rs. 8,50,21000/-were transferred from the account of M/s. Shiv Traders to the account of firm M/s. Shri Sukhmani Rice Industries, Rori in the year 2024-25 and the petitioner was one of the partner of this firm and they have not provided any document regarding that transaction made by the firm despite notices served upon them. Hence, for the recovery of said document, custodial interrogation of the petitioner is required.

4. **Analysis**

Be that as it may, after given a thoughtful consideration to the submissions as made, by the counsel for both the parties, this Court



prima facie finds it a case of contractual obligation and no criminal liability can be fastened upon the petitioner, moreso, the main accused has already been granted concession of anticipatory bail, 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**

**29.04.2025**  
*anuradha*

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*

*Yes/No*