



105

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-2316-2025
DECIDED ON: 16.01.2025

DEEP MALA

....PETITIONER

VERSUS

STATE OF HARYANA

....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.179, dated 03.07.2024, under Sections 406, 420, 34 of IPC, 1860, registered at Police Station Sadar Tauru, District Nuh, Haryana.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“To SHO Police Station Tehsil Tauru, Nuh. Subject: Request regarding cheating in the name of making jewelry and to register FIR against the accused and to get our money back. Sir, request is that Sunita wife of Sombiru is the permanent resident of Rathivas, Tehsil Tauru District Nuh (Haryana). In our village, a goldsmith Dharmendra Soni along with his family wife Sakuntala wife of Dhamendra Soni and sons Neeraj Soni, Anish Soni So Dhamendra Soni, two daughters-in-laws Chhaya wife of Anish Soni, Deepmala wife of Neeraj Soni were residing on rent in the house of Jaibeer Singh son Shahzad resident of Rathivas for the last 3 years. First of all this person made his trust in our village due to which we came under his trust and gave him the money earned by our hard work,

which was kept for the marriage of our children. That the accused Dharmendra Soni, who was living in our village and had a goldsmith shop and had built a good deal of trust in the village in the transaction. That he after taking money in advance from people in lieu of making jewelry, vacated his house and shop and fled from the village on 22.06.2024 without informing anyone. Information of which, when we tried to get from many places, we could not find anything and when we tried to get information about him from Jaiveer son of Shahjahan, we were sent away by the landlord saying that he has also taken Rs.3 lakh from him. Sunita wife of Somveer is the resident of Rathivas Tauru, Tehsil Tauru District Nuh, whose account no.77150101019406 is in Sarva Haryana Gramin Bank Rathivas Tauru in which she gave cheque of Rs. 1, 00,000/-to Anees resident of Kharkhoda Sonipat, whose bank no.847223 dated 03.05.2023 and it, was already encashed. A cheque no.847224 dated 03.05.2003 of Rs. 1, 00,000/-was given to Sukantala wife of Dhamendra Soni Resident of Kharkhoda Sonipat and both the cheques have been encashed. I came to know that Dharmendra Soni has also cheated money from other people of our village and fled away, in which he cheated Rs. 1.70 lakhs from Seelam Patri Narendra and Rs. 5 Lakhs from Geeta wife of Mukesh and fled away and he has taken money from Naresh son of Zile Singh and fled away and also taken money from Jaggi Sarpanch of Khori Kalan and fled away and we had a self- help group whose head was Shakuntala wife of Dharmendra Soni. And she also took Rs.2 lakh from that group as well. Before living in the house of Jaiveer, he was living in the house of Santram son of Mukhyar resident Rathivas for 9 years. Suman the mother of Mrs. Chhaya wife of Aneesh (daughter-in-law of the accused Dharmendra), who lives in village Tauru Jatwada Mohalla, there we all called the police by calling on 112 number, then they called a person named Sachin Soni, he said that you all will get your money within two-three days, I will solve this and we came to our house taking false assurances of this. But Sachin Soni is now clearly denying that he does not know anything about them, he has nothing to do with this. You can do whatever action you want to take. Sir, Dhamendra Soni, Mobile No.8684032990, Sakuntala wife Mobile No.8684067126 and Neeraj Soni, Mobile No.8813802642, all of their mobiles are switched off since a long time. The entire family of Dhamendra Soni is also involved in this fraud. This family cheated us and many other people in the name of making jewelry and fled. We had no idea that the accused are liars and 420 types of people. We were under false pretenses and 17 were given money for jewelry for our children's wedding in the village. We were completely unaware that such an incident could happen with us. Hence, it is requested to please take strict action against the accused and get our money back which was extorted from us by making 420. We are all poor women, if we do not get justice, then our rights will be violated. By keeping in mind this serious problem of ours, this

should be resolved. So that we can get our money. It will highly thankful to you. Dated 03.07.2024 SD-Sunita Applicants Sunita Devi wife of Sombir resident of Rathivas Tehsil Tauru District Nuh (Haryana). 9728279652. Police Proceeding:- Today I, SI along with CT Mukesh 996/NUH, SPO Ravindra 54/NUH were present at Khori Kala bus stand for patrolling crime investigation that the above mentioned complainant Sunita Devi wife of Sombir resident of Rathivas above met and presented the above mentioned application, that on finding the offence to be occurred U/s 406, 420, 34 IPC from the contents of application, CT Mument 996/Nuh is sending to police station for registration of FIR. SHO was informed about the situation. After registration of FIR number be informed.”

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner is falsely implicated in the present case and there is no specific allegation against her. He further submits that the petitioner is a home-maker lady and has no involvement in the present case. He contends that the petitioner is neither the beneficiary of this transaction nor she has received any amount.

It is further contended that the petitioner being the daughter-in-law of the main accused, who is in the business of Goldsmith, has been implicated in the present case. She undertakes before this court that she is ready and willing to join the investigation.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Baljinder Singh Virk, Sr. DAG Haryana, accepts notice on behalf of respondent/State. He prays for dismissal of the present petitioner stating that the allegations against the petitioner are serious of in nature, but could not put forth any incriminating material to connect the petitioner with the alleged commissioning of offence.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially to the fact that no incriminating material has been put forth by the prosecution to connect the petitioner with the alleged commissioning of offence and she is not involved in any other case, meaning thereby she is not a habitual offender and her false implication cannot be ruled out, this Court is of the considered view that there is no valid or cogent reason to deny the bail to the present petitioner, wherein she has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Decision**

Hence, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under subsection (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 a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

16.01.2025

Meenu

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*