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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-10497-2026 (O&M)
Date of decision: 13.05.2026

Vineet Kumar ...**Petitioner**

Versus

State of Haryana ...**Respondent**

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Tushar Sharma, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

Mr. Sanjeev Sharma, Advocate
for the complainant.

MANISHA BATRA, J. *(Oral)*

1. Prayer in this petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 *(for short 'BNSS')*, is for grant of anticipatory bail to the petitioner in FIR No. 0370 dated 01.08.2025, registered under Section 420 of IPC at Police Station Badshahpur, Gurugram.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by complainant Mereum Anusha Gayanie Fernando, originally a Sri Lankan citizen and at that time residing in Gurugram temporarily, alleging therein that the present petitioner and his wife Richa Bhardwaj were her tenants in Sri Lanka in the year 2006-07. Their relations had become friendly at that time. Both of them were deported to India by Sri Lankan Government in the year 2009 on cancellation of their visas. The

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petitioner used to find ways to come to Sri Lanka by getting short visit visas. During that period, he contacted her again and entrapped her by representing that he was going through a process of divorce with his wife Richa and by alluring her that he would perform marriage with her, they had entered into a relationship in the year 2013. In the year 2014, the petitioner had lost his job and started borrowing money from the complainant for the purpose of starting some business. The complainant realized that he was not dealing with her fairly in the matter of finances and wanted to break up her relationship with him in the year 2017. However, he persuaded her to marry with him. The petitioner then filed a divorce petition against his wife and a decree of divorce by way of mutual consent was passed by the Court at Gurugram in their favour on 24.01.2018. Then, after showing his decree of divorce, the petitioner got registered his marriage with the complainant in Sri Lanka. He kept on borrowing money from her. He showed an apartment bearing number F-4, First Floor, Sun City, Sector 54, to her and represented that the said apartment was going to be their matrimonial house and she would be having 50% share in the same. On that pretext, he kept on extracting money from the complainant, whereas she was made to live in Bangalore. Subsequently, the complainant came to know that the separation between the petitioner and his wife Richa was only a paper separation and in fact, they had been residing together and Richa was in occupation of the house which was promised to be given to the complainant by the petitioner. When she resisted, the petitioner started abusing and assaulting her physically and also caused mental harassment to her. On her insistence, the petitioner gave two post-dated cheques of Rs. 20 lakhs each to her to repay the money due to her. Both these

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cheques were dishonoured. He kept on making promises to repay the money and even notarized an agreement in her favour. However, the said money was never returned to the complainant. She also came to know that Richa was also an accomplice with the petitioner in duping her of her money and in cheating her by showing that they had been divorced. A GPA was also given by the petitioner in respect of an apartment for which a litigation was already pending. By alleging that the petitioner had cheated her and defrauded her, the complainant prayed for taking action in the matter.

3. After the registration of the FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail, which was dismissed by the Court of Learned Additional Session Judge, Gurugram, vide order dated 11.02.2026.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He had obtained a lawful decree of divorce from his wife, Richa, and had performed marriage with the complainant. They had lived together as husband and wife. The exchange of money between them in their spousal relationship could not be stated to be an act of committing fraud or cheating. In fact, it was the complainant who had managed to procure a general power of attorney of the aforementioned flat in her name by exerting undue pressure and by continuous torture of the petitioner and had also obtained a cheque from him solely with the intention to salvage their marital relationship. Since the construction of the said flat remained incomplete as the builder company was subjected to insolvency proceedings, hence the apartment could not be transferred in her favor. Due to the said reason, the

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complainant had started extending threats to him. The complaint filed by the complainant on account of dishonour of cheque has been dismissed in default. The present FIR has been lodged against him only with an intent to malign his reputation and his professional standing as well as to arm twist him. The dispute, if any, between the parties is of purely civil nature. The ingredients for commission of subject offence are not at all attracted against him. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. Therefore, it is urged that the petition deserves to be allowed and the petitioner deserves to be granted concession of anticipatory bail.

5. *Per contra*, learned State counsel, assisted by learned counsel for the complainant, has vehemently argued that the allegations levelled against the petitioner are grave and serious in nature. It is contended that the present case is not a mere matrimonial dispute, rather the petitioner, in a calculated and well-planned manner, cheated the complainant and subjected her to systematic financial exploitation over a prolonged period of time. The complainant was allegedly induced to part with substantial amounts of money on the false representation that the petitioner had severed ties with his wife, co-accused Richa, and intended to establish a matrimonial life with the complainant. It is further argued that despite obtaining a decree of divorce, the petitioner continued to maintain his relationship with co-accused Richa, thereby reflecting his dishonest intention from the very inception. The conduct attributed to the petitioner discloses a continuing course of deception, misrepresentation and exploitation for wrongful gain. Learned State counsel has further submitted that in order to unearth the complete financial trail,

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ascertain the nature of monetary transactions between the parties and investigate the role of the co-accused as well as other surrounding circumstances, custodial interrogation of the petitioner is essential. It is, thus, stressed that the petition is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The petitioner is alleged to have represented to the complainant that he was divorcing his wife, i.e. co-accused Richa, and he is alleged to have entrapped the complainant in entering into a relationship with him on that count. He is subsequently shown to have obtained a decree of divorce from co-accused Richa and registered marriage with the complainant in Sri Lanka. However, as per the allegations, his relationship with his ex-wife continued. He is alleged to have done so in order to extract money from the complainant. He is shown to have issued a cheque and even notarized an affidavit promising transfer of 50% of share of an apartment which was purchased by him. The complainant was made to pay substantial EMIs on the transfer of that assurance. The written agreement, which was executed by the acknowledges the liability of a sum of Rs.60 Lakhs towards the complainant. Taking into consideration all these facts and circumstances, this Court is of the considered that a prima facie case for commission of subject offence has been made out against the petitioner. For the purpose of conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. In case his custodial interrogation is denied to the investigating agency, the same will leave many glaring loopholes and gaps adversely affecting the investigation. The powers under Section 482 of BNSS are extraordinary and the same are to be exercised sparingly in exceptional circumstances. The judicial discretion

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conferred upon the Court has to be properly exercised after application of mind as to the nature and gravity of the accusation, possibility of applicant fleeing from justice and other factors to decide whether it is a fit case for grant of anticipatory bail as such grant to some extent interferes in the sphere of investigation of an offence. The Court has also to see that an order of anticipatory bail should not operate as inroad in the normal legal procedure of criminal cases by the trial Court. The custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 482 of BNSS. The Court must be circumspect while exercising such power for grant of anticipatory bail and it should not be granted as a matter of rule and has to be granted only when the Court is convinced that exceptional circumstances exist to resort to that extra ordinary remedy. In the present case, no such exceptional circumstances warranting exercise of the powers for grant of anticipatory bail by this Court are existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

13.05.2026 **(MANISHA BATRA)**
Waseem R. Ansari **JUDGE**

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*