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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Geetika Dhingra

....Petitioner

V/s

State of Haryana and another

....Respondents

Date of decision: 20.04.2026**Date of Uploading: 20.04.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Gaurav Datta, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Mr. Kushagra Beniwal, Advocate for respondent No.2.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed on behalf of the petitioner seeking grant of anticipatory/pre-arrest bail under Section 482 of BNSS, 2023 in FIR No.101 dated 15.02.2025 registered for offences punishable under Sections 406, 420 of IPC and Section 10 & 24 of Immigration Act at Police Station Sadar Thanesar, Kurukshetra.

2. The gravamen of the allegations, as borne out from the FIR lodged by the complainant Kuldeep Singh, who alleged that being unemployed and desirous of going abroad, he contacted accused Nitin Balecha (husband of the petitioner) through a mobile number obtained online. Upon inquiry, the accused Nitin Balecha (husband of the petitioner) alongwith his father Kawal Nain represented that they, alongwith the present petitioner Geetika, were running a company namely N.G. Infotech and could facilitate sending persons to America by enrolling them in their company for



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a consideration of Rs.21.00 lacs per persons. The complainant alongwith 5/6 other persons agreed to the proposal and allegedly paid a total sum of Rs.49,63,000/- into the bank accounts of accused persons including the petitioner. It has been alleged that despite receipt of huge amounts, the accused persons neither arranged visas nor returned the money & had cheated the complainant and others. On these set of allegations, instant FIR has been registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that the petitioner is a housewife and has been falsely implicated into the FIR in question solely on account of certain bank transactions. Learned counsel has further iterated that the petitioner has been living separately from her husband for more than two years and has no concern with the alleged business activity. It has been further contended that the complainant himself is involved in similar offences and has lodged the present FIR with *mala fide* intention to shift liability. According to learned counsel, the amounts credited in the account of the petitioner have been used by her husband for routine expenses and a substantial portion has already been returned. Learned counsel has emphasized that the petitioner has neither induced the complainant nor has any direct dealings with him. Learned counsel has further contended that the petitioner is not engaged in the business of sending the persons abroad and the allegations are general and vague in nature. Learned counsel has further asserted that the dispute, if any, is purely civil in nature arising out of a money transaction and has been given a criminal colour. It has been further argued that the petitioner has clean



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antecedents and is willing to fully cooperate with the investigation. Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On strength of these submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the petitioner has been specifically named in the FIR and has played an active role in cheating the complainant. Learned State counsel has iterated that the substantial amounts have been credited into the bank account of the petitioner as part of the fraudulent scheme. It has been further submitted that the investigation is at a nascent stage and custodial interrogation of the petitioner is necessary to unearth the entire conspiracy, trace the money trail and effect recovery. Learned State counsel has emphasized that the evidence collected so far suggests that the petitioner alongwith co-accused used to allure the innocent people on the pretext of sending them abroad. Furthermore, learned State counsel has submitted that in case the petitioner is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation. Accordingly, a prayer has been made for the dismissal of the instant petition.

4.1. Learned counsel appearing for respondent No.2 has raised submissions in tandem with the learned State counsel and has prayed for the dismissal of the petition in hand.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

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6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the FIR, the petitioner alongwith co-accused took a total amount of Rs.49,63,000/- from the complainant and others on the promise of sending them abroad. The record reflects that the large amount of money received from the complainant has been deposited in the bank account of the petitioner and as such her bank account has been used as part of the alleged cheating and directly connects her with the alleged offence. The petitioner has represented herself as a person engaged in sending people abroad under the company N.G. Infotech and received money from the complainant and others. It has been alleged that after taking the money, the petitioner alongwith the co-accused has not send the complainant abroad. The plea of the petitioner that she is merely a housewife and the account has been operated by her husband cannot be accepted at this stage as the same is to be examined during the course of trial. At this stage, the investigation is still underway and the custodial interrogation of the petitioner may be essential to trace the financial flow, recover relevant documents and ascertain the involvement of other individuals. The seriousness of the allegations, the involvement of the petitioner in inducing the complainant as also the money trail weigh heavily against the grant of anticipatory bail to the petitioner. The petitioner has sought parity with co-accused Kawal Nain, who has been granted the concession of anticipatory bail. However, the said plea is misconceived as the role attributed to co-accused Kawal Nain is distinguishable. He is stated to be 67 years old and his involvement appears



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to be limited in comparison to the present petitioner and her husband against whom the primary allegations of inducement and receipt of money have been leveled. Moreover, the parity cannot be claimed in a mechanical manner and must be assessed on the basis of role, circumstances and the degree of involvement. In the instant case, the petitioner stands on a different footing and is not entitled to the benefit of parity. Furthermore, the stand of the investigating agency before this Court is that the custodial interrogation of the petitioner is imperative considering the nature of allegations, the money trail and to recover the cheated amount.

7. It is trite law that anticipatory bail is an extraordinary remedy not to be granted as a matter of course, particularly in cases involving heinous offences. While considering anticipatory bail, the Court must strike a balance between the right of the individual to liberty and the need for free, fair and effective investigation. Moreover, the plea that the dispute is civil in nature cannot be accepted at this stage, as the allegations *prima facie* disclose deception and dishonest intention at the inception which constitute the essential ingredients of Section 420 of IPC/318(4) of BNS. The investigation is ongoing and to identify the other possible accused persons, this Court does not consider it appropriate to grant bail at this nascent stage. In the considered opinion of this Court, granting anticipatory bail to the petitioner at this stage may likely to hamper the on-going investigation. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.



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8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”



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9. Considering the seriousness of the allegations, the nature of the offence and the stage of investigation as also the necessity of custodial interrogation for recovery of the amount in question, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

10. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 20, 2026
Ajay

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No