IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

105 **CRM-M-37719-2025**

Date of decision: 29.09.2025

Rinku Sharma ....Petitioner

V/s

State of Haryana ....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Ms. Sapna Seth, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.

Dr. Pankaj Nanhera, Advocate for the complainant.

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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.45 dated 09.06.2025 registered for offences punishable under Sections 318(4), 319, 336(3), 337, 340 of BNS, 2023 and Section 66-D of I.T. Act at Police Station Cyber Crime, Hisar.

2. The gravamen of the FIR pertains to circulation of forged Judicial summons purportedly to be originated from the Court of Additional Sessions Judge, Hisar by accused Deepak Barwal to be issued to one Sunil. In compliance of order dated 04.06.2025 passed by Additional Sessions Judge, Hisar in bail application CIS No.BA-1590-2025 (Sunil vs. State of Haryana) regarding forged judicial summons/documents, the Reader attached to the Court of Additional District Sessions Judge, Hisar filed a complaint alleging therein that the applicant namely Sunil aged 46 years, village Saman, Tohana, District Fatehabad had received two forged summons via WhatsApp from the accused Deepak Berwal. These summons

carried a fake Court stamp and directed the applicant - Sunil to cause his appearance on 12.06.2025 i.e. a date falling in the summer vacation. It was further alleged that it was falsely conveyed to the applicant namely Sunil that an FIR under Sections 318(4) & 337 of BNS was registered at Police Station Civil Lines, Hisar and that he must pay Rs.10.00 lacs to one Mishi Sharma as maintenance. Thereafter, the Court sought status reports from Ahlmad of the Court and SHO, Civil Lines, Hisar who confirmed that no such case of FIR is pending against the applicant Sunil. The applicant namely Sunil also appeared personally before the Court on 04.06.2025 and his sworn statement was also recorded by the Court. The forged summons even carry a forged and fictitious UID number which reflect that the accused had some knowledge of the Court procedures but made certain errors that had exposed the forgery. It was further alleged that the motive behind the aforesaid acts could be either extortion, revenge or character damage of the applicant Sunil. It was further alleged that the fabrication of the Court summons, the false assertion of an FIR and the demand for money with reference to a woman namely Mishi Sharma, with whom the son of the applicant had prior matrimonial discussion, pointed towards possible revenge or character assassination but the same was unclear. Considering the seriousness of impersonating the judicial authority and circulating fake summons, the instant FIR came to be registered and investigation ensued.

3. At the outset, learned counsel appearing for the petitioner has submitted that an amicable settlement has been arrived at between the parties and the matter may be referred to Mediation and Conciliation Centre of this Court.

3.1. On merits, learned counsel for the petitioner has iterated that the petitioner is not named in the FIR and her implication arises solely from the disclosure statement of co-accused namely Deepak without any independent corroborative evidence. According to learned counsel, such a statement, being weak and unreliable cannot be the sole basis of prosecution. Learned counsel has further iterated that the allegations against the petitioner are vague, baseless and appear to be motivated by malice. Learned counsel has further submitted that the alleged forged summons contain glaring inconsistencies, wrong format, false license number, fictious UID which shows that the petitioner neither prepared nor circulated them as she is a law graduate and is well aware of the format and would never risk her career or integrity by indulging in such acts. Furthermore, no summons were recovered from or sent through the phone of the petitioner and the police has claimed that the screenshots were recovered from the phone of the co-accused but have not produced them on record. Learned counsel has further submitted that despite there being no direct or indirect involvement of the petitioner in the alleged occurrence, he has been roped into the present case without any credible evidence. It has been further argued that the petitioner has been a victim of continuous sexual exploitation, blackmail and extortion by Abhishek and Parveen (cousin of the petitioner), regarding which FIR No.397/2025 (Annexure P-8) has already been lodged but no effective action has been taken by the Police. The present FIR is a clear counter-blast in order to prevent the petitioner from pursuing her lawful remedies. Learned counsel has further submitted that there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from her.

Moreover, there is no likelihood of the petitioner absconding from the process of justice or tampering with the prosecution evidence in case she 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 offence committed by the petitioner is serious in nature. Learned State counsel has raised submission in tandem with the affidavit dated 23.07.2025 of Sumit Kumar, HPS, Deputy Superintendent of Police, Barwala, District Hisar filed on behalf of State of Haryana, relevant whereof reads as under:

> *"4. That on dated 26.06.2025, during the course of the investigation of the case, co-accused Deepak was arrested in this case. He was interrogated by the investigating officer and during his interrogation he got recorded his disclosure statement in which he admitted that he had committed the offence in conspiracy with the present petitioner-accused namely Rinku Sharma @ Missy Sharma. In furtherance of investigation mobile phone of co-accused Deepak was recovered from his possession and it was found that on his whatsapp chat that he had sent the forged summon to Sunil Kumar from his whatsapp on dated 24.05.2025. He further stated that he had sent the forged summons to one Sunil on the asking of present petitioner-accused namely Rinku Sharma as marriage dispute was pending between the present petitioner and Abhishek, son of said Sunil. A demand of Rs.10,00,000/- as maintenance was also made through that forged summons. Screen Shot of whatsapp chat between present petitioner from her mobile No.99926-27829 and co-accused Deepak to Sunil on his mobile number were also recovered and same were taken into police possession vide separate recovery memo. Copy of the same (Screenshot) is annexed herewith as Annexure R-1. Recovered mobile phone from co-accused Deepak was also taken in possession vide separate recovery memo. Copy of disclosure statement of co-accused Deepak is annexed herewith as Annexure R-2*
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> *5. That, the allegations against the present petitioner are that on her asking co-accused Deepak sent the forged summons to one Sunil regarding present petitioner's marriage dispute which was pending*

> *between present petitioner and Abhishek, the son said Sunil and a demand of Rs. 10,00,000/- as maintenance was also made through the forged summons as well as requiring the appearance of Sunil in the court on 12.06.2025, a date which falls during the summer vacations of the court. Forged fabricated summon and alleged mobile phone are yet to be recovered from the present petitioner. It is specifically submitted that screen shots clearly verified that present petitioner sent the forged summon and also mentioned the mobile number i.e. 98126- 00074 in her message shows that she has actively participated in this offence. It is further submitted that present petitioner herself sent the forged summon to the co-accused Deepak via whatsapp. The whatsapp chats allegedly made by the present petitioner with co-accused Deepak, are required to be ascertained. So, custodial interrogation of the present petitioner is required for effective investigation."*

Accordingly, a prayer has been made for the dismissal of the instant petition.

5. Learned counsel appearing for the complainant has submitted that an amicable settlement has been arrived at between the parties and in view of this he does not oppose the present petition for grant of anticipatory bail to the petitioner.

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

7. It would be apposite to refer herein to a judgment passed by the Hon'ble Supreme Court in the case titled as ***Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977,*** relevant whereof reads as under:

> *"12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be*

> *fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.*
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> *xxx xxx xxx xxx*
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> *16. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail."*

8. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. The FIR was registered on a complaint made during the course of hearing of anticipatory bail application CIS No.BA-1590-2025 titled as Sunil vs. State of Haryana. The applicant therein alleged that he had received via WhatsApp from co-accused namely Deepak Berwal, forged judicial summons purportedly issued by the Court of Additional Sessions Judge, Hisar. The said documents bore a fictitious UID number and directed his appearance on 12.06.2025, a date falling during summer vacations. The forged summons also contained reference to payment of Rs.10.00 lacs to one Mishi Sharma, allegedly as maintenance. In the considered opinion of this Court, the matter is not only

serious but also affects the dignity of judicial institution and undermines the public confidence in administration of justice. The material collected so far, particularly the disclosure statement of co-accused Deepak Berwal and the recovery of screenshots from his device, *prima facie* point towards the complicity of the petitioner. At this stage, such evidence cannot be brushed aside as wholly unreliable and the grant of anticipatory bail to the petitioner would hamper the investigation.

9. During the course of arguments, learned counsel for the rival parties have made a statement before this Court that an amicable settlement has been arrived at between the parties. In the considered opinion of this Court, such a submission is of no avail in the present case. The allegations pertain to the preparation and circulation of forged judicial summons which is a grave offence striking at the very sanctity of the justice delivery system. The offence(s) involved in the instant case transcend beyond pertaining to inter-se rights of parties involved and partake the character of affecting sanctity of justice delivery system. Forgoing judicial summons is an offence which have serious ramifications on public confidence in judiciary and undermines public trust and faith in justice delivery system. The factum of parties having entered into a compromise, does not dilute the seriousness of allegations involved. Therefore, even if some compromise has been reached *inter se* between the parties, the same cannot overshadow the seriousness of the offence or be treated as a valid ground to grant anticipatory bail to the petitioner.

10. The Court cannot be oblivious to the fact that the offence of this nature not only affect the individual but also create of sense of insecurity in

the community at large. Protection of such offenders at the stage of investigation would send a wrong signal to society and embolden others to indulge in similar unlawful activities. The power under Section 482 of BNSS, 2023 is meant to protect innocent persons from unnecessary harassment and false implication but the same cannot be extended to those against whom there are prima facie serious allegations supported by material collected during investigation. The allegations, if found to be true, reflect a deliberate attempt to forged the judicial summons, impersonation of a Court and demand of money which strikes at the sanctity of the justice system. Such offences necessitate a strong and principled judicial response to prevent their recurrence.

11. A perusal of the FIR reveals that though the name of the petitioner does not figure in it but during the course of investigation the investigating agency has collected sufficient and cogent evidence which linked her with the offence. The contention of the petitioner of false implication due to past disputes and allegations of exploitation relate to separate proceedings and cannot overshadow the specific allegations in the present FIR. The weightage and veracity of such defence can only be tested during the course of trial and not at the stage of consideration of pre-arrest bail. The investigation is at a crucial stage. In the considered opinion of this Court, the offence of this nature is serious requires custodial interrogation of the petitioner in order to trace the origin of the forged documents, examine the devices used for the same, to unearth the larger conspiracy, if any and to ascertain the role of each accused. In the considered opinion of this Court,

granting anticipatory bail at this stage may likely to hamper the on-going investigation.

12. Moreover, 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. It goes without saying that in the instant case, the disclosure statement of the co-accused specifically implicates the petitioner as the source of the forged summons. Screenshots retrieved from the device of co-accused corroborates this version. The investigation is at nascent stage. 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 informations 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 disintering offences would not conduct themselves as offenders."*

13. In view of the gravity of the allegations, the nature of offence, the stage of the investigation, the necessity of the custodial interrogation for a fair and thorough investigation, 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.

14. 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

September 29, 2025
Ajay

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