

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

(201-A)

CRM-M-10472-2015

Decided on: March 28, 2016.

Sonya Gupta

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. K.S. Sidhu, Advocate, for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

Mr. Gautam Dutt, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

The petitioner, as general power of attorney, has allegedly sold the property of the complainant-husband to the extent of his 50 percent share.

Pursuant to the interim order passed by this Court, the monetary interest of the complainant had been safeguarded by directing the petitioner to create an FDR of Rs.45 lacs in the name of the complainant. The petitioner has already complied with the said direction.

The matter was referred to the Mediation and Conciliation Centre. On account of the same having not been settled, application for pre-arrest bail has been taken up on merits.

After hearing learned counsel for the petitioner and going through the police record, it appears that there is a civil litigation pertaining to the property amongst the husband and wife and matrimonial dispute also

appears to be the cause of the controversy. The validity of general power of attorney is subjudice before a Civil Court also.

The petitioner having joined investigation and safeguarded the rights of the complainant to the extent of Rs.45 lacs by creating an FDR, she can be granted concession of pre-arrest bail.

Petition is allowed. It is ordered that in case of arrest of petitioner, she will be released on bail to the satisfaction of the arresting officer subject to the conditions that she will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner.

The amount of FDR will remain as such, entitling the husband to the benefit of interest accruing from the FDR, till the final adjudication of the civil rights of the parties.

(M.M.S. BEDI)
JUDGE

March 28, 2016
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