

CRM No. M-23789 of 2016
DECIDED ON: AUGUST 30, 2016

SHIKHA GUPTA

.....PETITIONER

VERSUS

STATE OF HARYANA & ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Hemant Saini, Advocate
for the petitioner.

Ms. Neelam Kashyap, AAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in case FIR No. 97 dated 23.03.2016 under Sections 406, 420, 467, 468, 471 and 120-B IPC registered at Police Station Sushant Lok, District Gurgaon.

At the time of issuance of notice of motion on July 15, 2016, following order was passed by this Court:

“Learned counsel for the petitioner has inter alia contended that petitioner has been falsely implicated in the instant case. She has been involved in the instant case only on the allegation that she accompanied by her daughter Riya Gupta, purchased the mobiles and further that the invoice is having the signatures of Ms. Shikha Gupta as confirmed by the showroom salesman but there is no other allegation that she is in any way connected with the transaction of alleged embezzlement.

Notice of motion to the respondents for 22.08.2016.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Subhash Malik, submits that though in compliance of order dated July 15, 2016, petitioner has joined the investigation but she did not co-operate with the investigating agency. There are large number of transactions vide which she in connivance with her husband has misappropriated crores of rupees. However, one thing is evident that petitioner has already joined the investigation and her husband is admittedly behind the bars. He must have been subjected to custodial interrogation and it was only thereafter, he was remanded to judicial custody. Thus, there is no cogent ground to decline the pre-arrest bail. Moreover, in view of the above-stated facts, presence of the petitioner is no more required for further investigation.

Accordingly, order dated July 15, 2016 is hereby, made absolute.

However, petitioner shall be abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

AUGUST 30, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned Yes/No

Whether Reportable Yes/No