

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

CRM-M-29371-2016

Date of decision: September 26, 2016.

Rita Aggarwal

... **Petitioner**

v.

The State of Haryana

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri R.S. Rai, Senior Advocate with
Shri Karan Pathak, Advocate for the petitioner.

Shri Chetan Sharma, Assistant Advocate General, Haryana.

Shri Sandeep Jasuja, Advocate for the complainant.

A.B. Chaudhari, J. (Oral):

Heard Learned Counsel for the rival parties. The petitioner, who is a married woman, was arrested on 6.3.2016 in FIR No.204 dated 6.3.2016 registered under Sections 420, 406, 294-A, 34, 120-B IPC and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 at Police Station Gurgaon City, District Gurgaon.

It is not in dispute that out of the amount of Rs.2.65 crores, which is subject matter of the present petition, the amount of Rs.1.36 crores has been admittedly paid back. This statement of fact is not disputed by Learned Counsel for the State and he agrees with the same. It is thus clear that the balance amount is almost below half of what has been repaid. The husband of the petitioner is stated to have sold some properties in

September, 2016. Learned Counsel for the State further submits that the husband of the petitioner has already been arrested. If the husband of the petitioner is selling properties, the complainant is at liberty to seek attachment of the properties and may proceed according to law. But then, in view of the fact that the offences in question are triable by the Magistrate, there is no point in detaining the petitioner in jail *ad-infinitem* as an under-trial who is a woman in view the benefit under Section 437 Cr.P.C..

In that view of the matter, the petition for bail is allowed. The petitioner shall be released on bail in accordance with the terms and conditions which would be settled by the learned trial Judge.

Learned counsel for the complainant states that there are some other cases against the petitioner also. This Court is supposed to look into the present FIR only.

Disposed of.

[**A.B. Chaudhari**]
Judge

September 26, 2016.
kadyan

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No