

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

CRM-M No.43789 of 2018

Date of Decision: 15.12.2018

Arti

....Petitioner

Versus

State of Haryana

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Akash Vashisth, Advocate
for the petitioner.

Mr. R.S. Doon, A.A.G., Haryana.

Mr. Naveen Dahiya, Advocate
for the complainant.

DAYA CHAUDHARY, J.

Petitioner-Arti has filed the present petition under Section 438 Cr.P.C for grant of anticipatory bail to her in case FIR No.176 dated 08.04.2018 registered under Sections 406 and 420 IPC at Police Station Ganaur, District Sonipat during pendency of the investigation.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, she was not involved. The petitioner was working by getting a meager salary since July, 2015. She is having no criminal background and during the period of more than three years, no irregularity was detected in her working. Nothing is to be recovered from her and she is ready to join investigation. Learned counsel also submits that the custodial interrogation of the petitioner is not required and the allegations are matter of evidence which will be seen during trial.

Learned State counsel has opposed the submissions made by learned counsel for the petitioner and submits that though the petitioner has given in writing to the complainant that she would return the amount of Rs.24,83,905/- to the School authorities but in spite of giving an undertaking, the amount has not been returned. Serious allegations are there against the petitioner and hence, she does not deserve the concession of anticipatory bail.

Heard the arguments of learned counsel for the parties and have also perused the contents of the FIR as well as other documents available on the file.

As per allegations levelled in the FIR, the petitioner was working as Clerk-cum-Accountant in the School and while performing her duties, she was collecting the fee against receipts from the students but the said amount was never deposited in the account of the school for the last three years. As per allegations, she used to retain the fee amount with her and it was not reflected in the school record. Certain forged entries were made by the petitioner in the school record after getting the same signed by the authorities. She also gave in writing to the complainant that she would return the amount of Rs.24,83,905/- to the school authorities but said amount was not returned. The bail application filed by the petitioner before the Additional Sessions Judge, Sonapat was also dismissed by mentioning that some forged entries were made by the petitioner in the school record.

Keeping in view the allegations of embezzlement of amount, the custodial interrogation of the petitioner is required. There is a distinction in custodial and non-custodial interrogation and the consequent result of the investigation. Neither the undertaking has been fulfilled as the amount has

not been returned nor there was an intention to return the amount. The petitioner does not deserve the concession of anticipatory bail, keeping in view the allegations levelled against her as she was collecting the amount of fee for a period of three years against proper receipt. Neither it was deposited in the account of the school nor returned in spite of giving an undertaking. The custodial interrogation of the petitioner is required for reaching to the bottom of the nexus to unearth modus operandi adopted by the accused.

Accordingly, the present petition, being devoid of any merit, is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

15.12.2018
gurpreet

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No