

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

**CRM-M No.20063 of 2018 (O&M)
Date of Decision: 19.08.2019**

Rekha Aggarwal

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Bipan Ghai, Senior Advocate assisted by
Mr. Paras Talwar, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana for the respondent/State.

Mr. G.S.Sullar, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.348 dated 26.10.2015, under Sections 406 and 420 of the Indian Penal Code, 1860 (*for short 'IPC'*) (Section 120-B, IPC added later on), registered at Police Station Ambala Cantt.

This Court, while issuing notice of motion on 14.05.2018 in the main petition, passed the following order:-

“ *Heard.*

Learned counsel for the petitioner submits that FIR No.348 dated 26.10.2015 was registered at Police Station, Ambala Cantt. against Ashok Aggarwal, husband of petitioner. The allegations against him are that he had embezzled money

of several persons. The petitioner had joined the investigation in the year 2016. As offence punishable under Section 120-B of IPC was not added in the FIR, she was not arrested. Thereafter, some of the complainants moved this Court and an SIT was constituted. SIT found one Manoj Aggarwal as co-accused of Ashok Aggarwal, who was arrested and released on bail. Now, the police has added offence punishable under Section 120-B IPC. The petitioner has nothing to do with the business or dealings of Ashok Aggarwal. She is ready to join the investigation again and provide the required information.

Notice of motion for 27.08.2018.

In the meanwhile, the petitioner is directed to surrender before the police and join investigation within two weeks. In the event of her arrest being required, she shall be released on interim bail till the next date, subject to her furnishing bonds to the satisfaction of Arresting Officer. However, she shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which she shall loose the benefit of interim bail allowed to her. ”

Learned State Counsel, on instructions from S.I. Naresh Kumar, has submitted that there are allegations of criminal breach of trust and cheating to the tune of ₹ 12,47,101/- against the petitioner.

Learned Senior Counsel for the petitioner, on instructions, states that the above amount shall be deposited with the Investigating Officer within four weeks from today subject to the final outcome of the FIR.

In view of the stand taken by both sides, interim order dated 14.05.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

It is made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

It is clarified that amount of ₹ 12,47,101/- be deposited before the Court concerned and the same shall be kept in a fixed deposit as per rule subject to the final outcome of the criminal case. It is also clarified that deposit of the above amount shall not prejudice the case of the petitioner in any manner at any stage of the proceedings, resulting out of the aforesaid FIR.

Disposed off accordingly.

August 19, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No