

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

**Criminal Misc. No. M-5194 of 2018  
Date of decision: 11.01.2019**

**Poonam Bhargav**

**..Petitioner**

**Versus**

**State of Haryana**

**..Respondent**

**CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY**

**Present:** Mr. Sumeet Goel, Advocate and  
Ms. Varsha Gupta, Advocate for the petitioner.

Mr. R.S. Doon, AAG, Haryana  
for the respondent -State.

Mr. Sumit Roy, Advocate for the complainant.

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**Daya Chaudhary, J. (Oral)**

Learned counsel for the petitioner submits that the petitioner has joined investigation whereas learned State counsel submits that although the petitioner has joined investigation but the amount has not been recovered and the petitioner cannot claim parity with co-accused for grant of interim bail. Learned State counsel also submits that even after arrest, co-accused of the petitioner, who is her husband, has deposited an amount of ₹10,80,000/- and another co-accused, who is her father-in-law has also deposited the amount. The petitioner can claim parity after deposit of some reasonable amount as the amount was deposited in her account, which was withdrawn subsequently.

It has not been disputed by learned counsel for the petitioner that the amount was deposited in the account of the petitioner but it has been argued by him that in a petition for grant of bail, the amount cannot be recovered as has been held by this Court in *Amandeep Singh and another vs. State of Punjab, Criminal Misc. No. M-17110 of 2013 decided on*

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**31.08.2013.** It has also been submitted by learned counsel for the petitioner that the petitioner is not having any source of income. The petitioner has joined investigation as and when required by the Investigating Officer and during this period, the interim bail has not been misused.

Admittedly, the amount was deposited in the account of the petitioner, which has been withdrawn subsequently after knowing that co-accused have paid amount to the complainant. The intention of the petitioner does not appear to be genuine. Although the petitioner has joined investigation but she has not cooperated in the investigation as amount has not been deposited.

Keeping in view the facts and circumstances of the case and also the fact that the co-accused of the petitioner have been released on anticipatory/regular bail after deposit of amount; the petitioner cannot claim parity with co-accused, no ground is made out to grant anticipatory bail to the petitioner.

Dismissed.

However, in case, the petitioner surrenders before the trial Court within a period of two weeks from today and moves an application for grant of regular bail, the trial Court is directed to consider the same and take action in accordance with law.

**11.01.2019**  
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**(DAYA CHAUDHARY)**  
**JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No