

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47411-2019

Date of Decision: 28.11.2019

Neena Bhasin

.....Petitioner

Versus

State of Haryana

.....Respondent

Present: Mr. Baljeet Beniwal, Advocate, for the petitioner.

Mr. Satish Saini, DAG, Haryana.

Mr. R.S. Rai, Senior Advocate, with
Mr. Manish Soni, Advocate, for the complainants.

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Harnaresh Singh Gill, J.

This is the second petition under Section 438 Cr.P.C. for grant of concession of anticipatory bail in case bearing FIR No. 126 dated 20.05.2018 registered under Sections 406, 420, 465, 467, 468, 471, 477-A, 120-B IPC at Police Station Manesar, District Gurugram.

This Court on 6.11.2019, while issuing notice of motion, passed the following order:-

“Learned counsel for the petitioner submits that the petitioner has earlier filed the similar bail application bearing No. CRM-M-7354-2019 which was got dismissed as withdrawn on 2.7.2019. He further submits that the co-accused, who is in custody, has filed an affidavit to the effect that he will deposit the amount of Rs.1.6 crores. The counsel further

submits that the petitioner is not a member of the society and has been falsely involved in the present case. Learned counsel also submits that CRM-M-28176 filed by the co-accused, is fixed for 28.11.2019.

Notice of motion for 28.11.2019.

To be heard along with CRM-M-28176-2019.”

Today, learned counsel appearing for the petitioner contends that the name of the petitioner was not mentioned in the FIR, but she has been indicted on the basis of the disclosure statement made by co-accused Jagjit Singh Ahlawat, during investigation. It is further submitted that the dispute, if any, is between the said co-accused and the members of the Engelberg Cooperative Group Housing Society and the petitioner has nothing to do with the alleged embezzlement, the very subject matter of the FIR.

However, I do not find any merit in the said argument of the learned counsel for the petitioner.

On the last date of hearing, as noticed above, notice of motion was issued on the strength of the reliance of the petitioner on the undertaking of the co-accused to deposit the amount of Rs.1.6 crores. However, the petition filed by the said co-accused for grant of regular bail stands dismissed vide order of even date passed by this Court. Hence, the said plea is no longer available to the petitioner.

As far as the role of the petitioner in the alleged crime is concerned, suffice to say that her name has been disclosed by none other than co-accused Jagjit Singh Ahlawat. The petitioner is admittedly not a member of the Society. The learned Additional Sessions Judge, Gurugram, while declining the bail application of the petitioner vide order dated 4.9.2019, has noticed the factum of the petitioner never being a member of the complainant-Society and the factum of her along with the co-accused Jagjit Singh Ahlawat opening a bank account in which funds of the Society were transferred and further the factum that she had withdrawn the amount of Rs.12,77,500/- and Rs.16,09,000/-. Learned counsel for the petitioner could not controvert the said factual position. It could not be pointed out as to in which capacity the funds had been withdrawn by the petitioner neither could it be disputed that she had opened a bank account with co-accused Jagjit Singh Ahlawat.

In view of the above, this Court is not inclined to grant the concession of anticipatory bail to the petitioner. Hence, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

28.11.2019
ds

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No