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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 1631/2019

SONIA SACHDEVA ..... Petitioner

Through Mr. G. P. Tharja, Mr. Sunil Magon, Advs. with petitioner in prson

versus

STATE ..... Respondent

Through Mr. Hirein Sharma, APP for State Mr. Rakesh and Mr. Deepanshu Narang, Advs. for complainant SI Kamlesh Kumar, PS Kalkaji.

**CORAM:**
**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**

**<u>O R D E R</u>**

% **18.12.2019**

Vide the present petition, the petitioner seeks anticipatory bail in the event of her arrest in FIR no. 0565/2017 dated 28.12.2017, registered at Police Station Kalkaji, punishable for the offences under Sections 420/468/471 IPC.

Brief facts of the case are that the Petitioner/applicant is the real sister of the complainant Mr. Puneet Sethi and due to dispute in the family, civil litigation is pending. The complainant filed the complaint which was culminated into the present FIR.

Learned counsel appearing on behalf of the petitioner submits that due to substantial harassment caused to the father of complainant as well as petitioner, Sh. Jagdish Raj Sethi committed suicide in a Hotel room at Agra on 09th June, 2015. He left a suicide note thereby making his last wish to deprive the complainant from conducting his last rites and also, to keep his wife away from anything related to him. In the Hotel room he also left one envelope with blank signatures for the present petitioner (his daughter) with instructions to use the same.

Late Sh. Jagdish Raj Sethi had one NSC for an amount of Rs.3,20,000/- and the petitioner had two bank accounts, one in her personal name and another in the joint name of herself and her father. After obtaining the matured NSC, she deposited the same in that joint account and had not mis-utilized nor mis-appropriated the same and the money is still lying in the account. Thereafter, the petitioner prepared one demand draft for an amount of Rs.1,60,000/-and offered the same to the complainant Punit Sethi, brother of the petitioner, but he refused to accept the same and preferred to lodge an FIR on 28.12.2017.

It is further submitted that the petitioner has not misappropriated the said amount and only deposited the same in the joint account and has not utilized the same. Therefore, she has not committed any fraud, as alleged by the complainant in respect to the said amount. In order to show her bonafide, the petitioner is ready to deposit the same before the Registrar General of this Court, if directed by this court.

On the other hand, learned counsel appearing on behalf of complainant submits that alleged suicide note is neither in the notice of Agra Police nor in the notice of Delhi Police in the present case. The complainant had cordial relations with his father and death of his father was due to electrocution and not by suicide.

To justify the said submission, counsel for the complainant has produced e-ticket for his father and her sister for the scheduled departure on

20.03.2015 and submits that amount for the said tickets was paid by the complainant. Moreover, for the property in Ludhiana, the sale deed dated 10.10.2013 was made by their father and the complainant was signatory in the sale deed.

Moreover, few FDRs were made by the father of the petitioner in the year 2012, 2013 and 2014 and the complainant was made nominee therein. Thus, complainant had cordial relations with his father.

In addition to above, some close relatives and friends also made their statement to establish that the complainant and his father had cordial relations.

As per the petitioner, their father had filed a complaint on 18.02.2006, addressed to the Commissioner of Police, Delhi Police, Police Headquarter, I. P, Estate, New Delhi and the Station House Officer, P.S. Kalkaji, against the complainant herein, Puneet Sethi and his wife for his criminal acts of intimidation and threat to life, limb and reputation of their father and mother.

Thereafter, on 27.03.2006 another complaint was made by the father to SHO, PS Kalkakaji for threats advanced by the complainant. Both the documents were duly received by the aforesaid authorities.

As per the status report, the petitioner joined the investigation in the present case and confirmed in writing that she had not withdrawn any kind of money from any account of her father, after his death in 2015. But as per the bank account statement of ICICI & SBI bank, it is revealed that Rs 72,605/- & Rs 22 lac approx were transferred/withdrawn by petitioner from both the accounts of her father after his death.

Learned counsel for the petitioner has clarified that her father had PPF account in SBI and being a nominee in the same, she claimed the said amount and the bank had issued pay order in her favour and the same was deposited in her account, maintained in ICICI bank and thereafter, the petitioner made withdrawals on different times from the said account.

However, without going into the issue whether the complainant had cordial or sour relations with the father, the SHO/ Arresting Officer/IO concerned, is hereby directed that in the event of arrest, the petitioner be released on bail on the following terms and conditions:-

(i) That the petitioner shall furnish a personal bond in the sum of ₹25,000/- with one surety in the like amount subject to the satisfaction of Arresting Officer/SHO/IO concerned;

(ii) That the petitioner shall cooperate with the investigation and make herself available for interrogation by police officer, as and when required;

In case of default of aforementioned conditions, the State is at liberty to take appropriate recourse in accordance with law.

Before parting with the order, it is relevant to mention that nothing contained in this order shall be construed as an expression on the merits of the prosecution case.

Application stands disposed of.

Order dasti under signatures of the Court Master.

**SURESH KUMAR KAIT, J**

**DECEMBER 18, 2019**

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