

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

CRM-M No.13398 of 2020
Date of decision: 1st June, 2020

Mamta Rani

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Rohit Chandel, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab puts in appearance on behalf of the State on his own.

Petitioner Mamta Rani wife of co-accused non-applicant Harwinder Singh, has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.69 dated 17.03.2020 under Sections 454, 380 IPC pertaining to Police Station Mandi Gobindgarh, District Fatehgarh Sahib got registered on the statement of complainant Ashok Kumar. The brief facts of the case are that Ashok Kumar claims that he brought cash amount of ₹ 20.00 lacs and kept the same in Almirah at his office in the factory premises and that subsequently it transpired on 17.03.2020 that someone broke open the

Almirah and took away the cash leading to registration of the present case.

It is consequent upon arrest of the accused Harwinder Singh ₹ 10.00 lacs were got recovered from him and ₹ 42,000/- from the possession of his co-accused non-applicant Dhiraj, and both these accused have confessed that a part of the amount i.e. ₹ 9,70,000/- was lying with Mamta Rani wife of accused Harwinder Singh.

Learned counsel for the petitioner Mr. Rohit Chandel, Advocate inter alia contends that the petitioner has been falsely implicated being wife of the accused Harwinder Singh and that neither there is any specific role attributed to her in commission of the offence nor any substantial evidence is there.

Learned State counsel Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab though has not displaced the facts but has strongly opposed the bail arguing that custodial interrogation of the petitioner is very much essential for recovery of the amount lying with her and that in view of the heinousness of the offence disentitles her to any relief.

Going through the submissions of the two sides, admittedly, the petitioner happens to be the wife of co-accused Harwinder Singh and there is no specific role attributed to her except statements of the co-accused Harwinder Singh and Dhiraj and their legality and validity as well as acceptability is subject to trial being statements of co-accused. No

useful purpose will be served by sending the petitioner to custody in the present case at this belated stage and her joining the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on her doing so she shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that she shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, she will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

June 1, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No