

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.14112 of 2020 (O&M)
Date of Decision.19.06.2020
(Heard through VC)

Neena Bhasin

...Petitioner

Vs

State of Haryana

...Respondent

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

-.-

JAISHREE THAKUR J. (ORAL)

This is a petition that has been filed for grant of regular bail in case FIR No.126 dated 20.05.2018 registered under Sections 406, 420, 465, 467, 471, 477A and 120B IPC (in report under Section 173 Cr.P.C. wrongly mentioned Section 447A instead of 477A IPC) at Police Station Manesar, District Gurugram to the petitioner, who is in custody since 24.01.2020.

Counsel for the petitioner herein *inter alia* would contend that the petitioner has been falsely implicated in the aforesaid FIR as she had absolutely no knowledge that her signatures were being misused by J.S. Ahlawat. It is contended that J.S. Ahlawat had introduced her an authorized signatory of the society that too without her knowledge and had subsequently withdrawn an approximate amount of ₹3 crores from the bank account of the society in his own account or that of his relatives, while further submitting that the matter has been investigated and the challan has been presented.

He further contends that in fact MoU had arrived at between

J.S. Ahlawat and society members wherein he had agreed to return the money, which became the basis of interim bail that was granted to him. Subsequently, the bail was cancelled since the terms of MoU were not adhered to. It is argued that the very fact that J.S. Ahlawat had entered into MoU would be enough to establish that the petitioner was not a beneficiary of any of the amount siphoned out of the society's account. The trial is likely to take some time to conclude and therefore, the petitioner is entitled to concession of bail.

Learned counsel appearing for the respondent-State would submit that the enquiry conducted would reflect that the petitioner had full knowledge of the fact that money had been siphoned out of the society's account. However, on asking of the Court, she submits that there is nothing to establish that money had been withdrawn by the petitioner-Neena Bhasin into her own account or that J.S. Ahlawat had transferred any money into her account.

I have heard learned counsel for the parties. Keeping in view the fact that investigation is complete and the challan has already been presented, a perusal of which reflects that there is no material available to establish that the money siphoned out of society's account had been transferred into the bank account of petitioner or that of any of his relatives, coupled with the fact that the trial is likely to take some time to conclude as due to COVID-19 situation, Courts are not working at their full strength and not taking up regular hearing matters, no useful purpose would be served in keeping the petitioner behind the bars. The instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal/ surety bond to the satisfaction of concerned trial

Court/Duty Magistrate. However, any observation made herein shall not be construed to be an expression on merits of the case.

(JAISHREE THAKUR)
JUDGE

June 19, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No