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

**CRM M-28781 of 2020
Date of Decision: September 30, 2020**

Priya Sharma ......Petitioner

Versus

Union Territory of Chd .... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Mr. Vinod S. Bhardwaj, Advocate
for the petitioner.

Mr. Manish Jain, APP, U.T. Chandigarh.

Mr. Rajesh Garg, Sr. Advocate with
Mr. Manvender S. Dalal, Advocate
for the complainant.

FATEH DEEP SINGH, J. (Oral)

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

Petitioner Priya Sharma Senior Executive of complainant M/s Supreme Security Private Limited a company dealing in foreign currencies and subsidiary transactions having its branch office in Chandigarh as well has got registered the present FIR No. 0070 dated 29.07.2020 at Police Station North Chandigarh under Sections 420, 408 and 120-B of Indian Penal Code, 1860 (Section 467, 468 and 471 of IPC added later onO) through its authorized person Mr. Sushil Singla.

The allegations in brief in this first anticipatory bail application moved under Section 438 Cr.P.C. are to the effect that the company was licensed money changer registered under the Companies Act and carrying on trade in providing foreign currencies to its customers. Accused non-applicant Vipin Kumar Dua Regional Manager, Ankur Modegill (Moudgil) being an Assistant Manager and Sukchain Singh Field Executive and present petitioner accused Priya Sharma being Senior Executive entered into a criminal conspiracy by virtue of which they forged the records of the branch office prepared forged receipts and made wrong and illegal entries in the records as well as in the computer regarding their business transactions and, thus, embezzled in all Rs.4,91,61,624 (out of which rupees 3 crores were taken out from the safe vault of the office) keys of which were supposed to be with accused non-applicant Vipin Kumar Dua who has handed over the same to the petitioner. The petitioner apprehending her arrest has sought this bail.

Mr. Vinod S. Bhardwaj, learned counsel for the petitioner has *inter alia* contended that the petitioner in another similar case which is got registered at Karnal has been allowed anticipatory bail by this Court vide order dated 11.08.2000 and that the petitioner being unmarried lady resides in Himachal Pradesh and has no specific role to play and it was during the lock-down period the co-accused had managed to make the entries and done away with the cash for which the petitioner cannot be held responsible.

Mr. Manish Jain, APP for U.T. Chandigarh assisted by Mr. Rajesh Garg, Sr. Advocate with Mr. Manvender S. Dalal, Advocate for the complainant have made strong submissions that a huge amount of the company have been embezzled by forging records and entries and it was a conspiracy of all these officials of the local branch. The same has come about as each one of them had a function as a counter check to the other and without joint connivance the same could not come about. The counsel have gone in details over the admission of accused non-applicant Vipin Kumar Dua Regional Manager who in his arrest in criminal case had admitted it so. Learned Additional Public Prosecutor has further claimed that even in the year 2016 the accused persons have faced probe before Enforcement Directorate for their wrong doings.

Without feeling the necessity to go into each and every aspect of the manner of this racket, it is well elucidated in the submissions of the State that in all approximately (Rs. 4,91,61,624/-) have been embezzled. During the course of arguments and as is the stand of the petitioner's counsel she readily admits that keys of the safe vault were with her and she had made false entries in the computer at the behest of the accused non-applicant Vipin Kumar Dua.

During the initial investigation under way as has been brought to the notice of this Court by the learned State counsel sufficient evidence has come about, preparation of forged receipts and entries by the accused who were supposed to receive money in cash and, thus, admittedly, being carrying on banking activities and broker activities as agent of the principal company clearly envisages that they are committing a heinous offence and which is as is conceded by the learned State counsel has escaped intentionally or unintentionally from gaze of Investigating Agency who failed to slap appropriate offence.

In view of the seriousness of the allegations and that being a crime where custodial interrogation is very much essential and the investigations are still at initial stage does not call for grant of anticipatory bail, which is by way of exception in rarest of rare cases.

Finding no merits, the application stands dismissed.

September 30, 2020 **(FATEH DEEP SINGH)**
amit rana **JUDGE**

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No