

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

210-2

**CRM-M-27398-2019
Date of decision: 20.01.2020**

Swati Khanna @ Swati Budhiraja

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. S. K. Agnihotri, Advocate,
Mr. S. K. Mishra, Advocate &
Mr. Sunil Kumar, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Abhilaksh Grover, Advocate,
Mr. M. S. Nagar, Advocate &
Mr. Sidhant Bhonsle, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 011 dated 15.01.2019, registered under Sections 406, 420, 467, 468, 471 and 120-B of the IPC at Police Station Sector 31, Faridabad.

On 28.06.2019, while granting interim bail to the petitioner and other co-accused, the following order was passed in the present petition as well as other connected petitions:

“Learned counsel for the petitioner(s), at the very outset, submits that the petitioners are ready to deposit the disputed amount in two installments, subject to final outcome of the case. Notice of motion for 19.08.2019. Meanwhile, in the event of arrest, the petitioners be

released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. In the meantime, the petitioners are directed to deposit 50% of the respective amount as shown in the FIR with the trial Court/Illaqua Magistrate on or before 02.08.2019, subject to the final outcome of the case.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 28.06.2019, has already appeared before the SHO/Investigating Officer and has deposited the 50% of the amount as shown in the FIR against her with the trial Court/Illaqua Magistrate.

The aforesaid fact is not disputed by learned State counsel, on instructions from ASI Vijender.

Accordingly, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 28.06.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it made clear that in case the petitioner is further required for completing the investigation, she will join the investigation on being served with a written notice by the Investigating Officer in this regard.

Liberty is granted to complainant/prosecution to seek cancellation of the bail in case the petitioner is found misusing the concession anticipatory bail or at subsequent stage, it is found that the FDR deposited by the petitioner is not genuine.

The deposit of amount/FDR by the petitioner shall not cause

any prejudice to her right of defence and the same shall be subject to final outcome of the case.

20.01.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No