

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-8500-2020

Date of decision : 29.10.2021

Meena Kapoor

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Maneet Kumar Arya, Advocate and
Mr.Abhishek Kharb, Advocate
for the petitioner.

Mr.A.K.Kaundal, DAG,Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0008 dated 30.01.2020 registered under Section 420, 406, 120-B IPC at Police Station Shahpur Kandi, District Pathankot.

On 17.08.2020, a co-ordinate Bench of this Court was pleased to pass the following order:-

“The petitioner is accused of cheating and criminal misappropriation. According to the complainant, he entrusted money to the petitioner but the same was misappropriated. The entrustment was made on account of misrepresentations made by the petitioner.

Learned counsel for the petitioner submits that the complainant had deposited money in a Company known as Fortune Premium Netmart (P) Ltd. The petitioner is

neither director nor promoter of the said Company. She was working as an agent as was the complainant. In any case, the evidence is documentary in nature and custodial interrogation of the petitioner is not necessary.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the respondent-State and waives service. He seeks time to respond.

Adjourned to 02.09.2020.”

On 15.09.2020 interim protection was granted to the petitioner by a co-ordinate Bench of this Court and the following order was passed:-

“Office report indicates that reply has still not been filed.

Learned counsel for the petitioner submits that today is the third date when State is seeking time. The petitioner is neither Director nor Promoter of the Company in which deposits were allegedly made by the complainant, thus, she deserves interim protection.

Adjourned to 14.12.2020.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 28.09.2020 at 10.00 a.m. and cooperate therewith. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to her compliance of the conditions enshrined under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has already joined investigation.

Learned State counsel, on instructions from ASI Gulshan Kumar, has submitted that the petitioner has joined investigation and is not required for custodial interrogation.

Keeping in view the above said facts and circumstances, more

so, the fact that the petitioner is neither the director nor the promoter of the company where the amount has been deposited and the petitioner has already joined the investigation, the present petition is allowed and the interim order dated 15.09.2020 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 29, 2021
Davinder Kumar

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