

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202-A

CRM-M-20973-2021

Date of decision: 11.06.2021

Sanjana

.....Petitioner

versus

State of Punjab

....Respondent

CORAM: Hon'ble Mr. Justice Girish Agnihotri

Present: Mr. Sidhant Vermani, Advocate for the petitioner.

Mr. H.S. Sitta, Assistant AG, Punjab.

Mr. Ashwani Prashar, Advocate for the complainant.

GIRISH AGNIHOTRI, J. (Oral)

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

Petitioner-Sanjana, stated to be aged 39 years, has filed the present petition *inter alia* with a prayer for grant of anticipatory bail to the petitioner in case FIR No.11 dated 18.02.2020 (Annexure P-1), registered under Sections 409, 420 & 120-B of Indian Penal Code read with Section 13 of Prevention of Corruption Act (Sections 419, 465, 467, 468, 471 & 477-A of IPC read with Section 66/66D of IT Act added subsequently), at Police Station Tarsikka, District Amritsar.

Learned counsel for the petitioner by making reference to the pleadings in the petition, submits that the petitioner is not named in the FIR and her name has been added merely because she has friendly relations with

Rakesh Kumar. Counsel then submits that there is no immovable property in the name of the petitioner.

Records of the case show that vide order dated 27.05.2021, this case was ordered to be heard along with CRM-M-2953-2021. Thereafter the case was adjourned on the dates which is a matter of record.

Learned State counsel, on the basis of affidavit of DSP Jogeshwar Singh Goraya, Vigilance Bureau, Amritsar, submits that the supplementary challan has been presented on 12.02.2021. There are total 148 witnesses and out of them none has been examined till date. Learned State counsel does not dispute the factual position, however, opposes the bail on merits.

Faced with the situation, learned counsel for the petitioner submits that four co-accused including Rakesh Kumar, are already behind bars since last approximately one year. He further submits that all the properties which were either jointly owned or separately owned by Rakesh Kumar, have already been attached by the concerned Assistant Registrar in favour of the Bank. He then submits that in order to show her bona fide, she would get an FDR of Rs.10,00,000/- (Rupees ten lacs only) made in her name and deposit the same with the Investigating Officer who may further deposit the said FDR with the trial Court, which shall remain as security till further orders of the trial Court. It is submitted that the said offer shall be without prejudice to the defence of the petitioner before the trial Court

Learned counsel for the petitioner also submits that in view of the COVID situation, detention of the petitioner in jail would be dangerous to her life.

In view of the peculiar facts noticed above and the present situation due to COVID-19, this Court deems it appropriate to direct release of the petitioner on anticipatory bail.

Accordingly, the petitioner shall join investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

In addition to the above said bail/surety bonds, in pursuance to the offer made by counsel for the petitioner, the petitioner would get an FDR of Rs.10,00,000/- (Rupees ten lacs only) made in her name and deposit the same with the Investigating Officer (within **15 days** from the date of receipt of certified copy of this order) who may further deposit the said FDR with the trial Court, which shall remain as security till further orders of the trial Court. The above said offer shall be without prejudice to the defence of the petitioner before the trial Court.

However, it is made clear that anything observed herein shall not be construed as an expression on merits of the case.

Accordingly, the present petition stands disposed of.

(GIRISH AGNIHOTRI)
JUDGE

11.06.2021

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Whether speaking/ reasoned:

Yes/No

Whether Reportable:

Yes/No