

201

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-36328-2020

Date of Decision: 17.09.2021

SUNITA DEVI

..... petitioner

Versus

STATE OF HARYANA

..... Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present :- Mr. Deepak Vashishth, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.547 dated 21.11.2019, under Sections 406 and 420 IPC, registered at Police Station Sector-50, District Gurugram. The petitioner apprehended her arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 11.11.2020, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that as per the allegations in the FIR, the investors deposited the money voluntarily with the company with an expectation of extra ordinary returns and they received back some part of their investment. He further submits that the ingredients to constitute the offences for criminal breach of trust (Section 406 IPC) and cheating (Section 420 IPC) are antithesis of each other, and the dispute, if any, is

purely of civil nature. He further submits that in the given facts, the custodial interrogation of the petitioner, who is Managing Director of the company, may not be necessary.

Notice of motion for 08.02.2021.

Meanwhile, the petitioner shall join the 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.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel, who is assisted by ASI Satinder does not dispute this fact that the petitioner has joined the investigation and she is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 11.11.2020 is made absolute.

17.09.2021

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(MANOJ BAJAJ)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No