

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

CRM-M-1288-2021

Date of decision-25.01.2022

Sarita Chaudhary

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Amandeep Singh, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J.

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 09.11.2019 under Sections 120-B, 406, 420, 467, 468, 471 and 506 Indian Penal Code, 1860 registered at Police Station Sector-5, Gurugram, who apprehends her arrest at the hands of Police.

Learned counsel for the petitioner has argued that as per the allegations, a sum of Rs.7,50,000/- was received by the petitioner from complainant, namely, Shakuntla and her husband on the pretext of providing job to them. He has argued that the alleged transaction is of the year 2017, whereas the FIR has been lodged after a long delay in November, 2019. He has further drawn the attention of the Court to the order dated 12.01.2021 to contend that a sum of Rs.2 lakhs has already been deposited in the account of Main Pal (father of the complainant) by way of RTGS on 27.01.2021. He submits that dispute between the parties regarding recovery of amount is purely of civil nature, therefore, the custodial interrogation of the petitioner may not be necessary.

Learned State counsel assisted by ASI Amit Kumar has opposed the prayer on the ground that it was on the inducement of the petitioner, the complainant and her husband parted away the amount in her favour. However, it is not disputed that the petitioner has joined the investigation and has also deposited a sum of Rs.2 lakhs in the account of complainant's father. He has further argued that the recovery of the remaining amount is to be effected, therefore, custodial interrogation of the petitioner is necessary.

After hearing learned counsel for the parties, and considering the above background, particularly the allegations, this Court does not find any merit in the argument of learned State counsel that the custodial interrogation of the petitioner is required for recovery of the balance amount. Admittedly, the complainant has not filed any civil suit to recover the amount from the petitioner and the subject FIR is regarding prosecution of the accused, therefore, the custodial interrogation of the petitioner does not appear to be necessary only for recovery of the amount.

Resultantly, petition is allowed and the interim bail granted by this Court vide order dated 21.09.2021 is made absolute. It is further ordered that the amount of Rs.2 lakhs deposited shall be subject to the final outcome of the trial and be paid to the party entitled to it.

25.01.2022

vanita

**(MANOJ BAJAJ)
JUDGE**

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No