

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

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CRM-M-5496-2022

Date of Decision: 25.08.2022

Kanta Devi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Dr. Deepak Jindal, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by SI Virender Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.446 dated 21.06.2019, Police Station Assandh, Karnal under Sections 406, 420 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 10.02.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.446 dated 21.6.2019, Police Station Assandh, Karnal under Sections 406, 420 of Indian Penal Code, wherein allegations have been levelled to the effect that the petitioner, while being President of ‘Dr. Bhim Rao Ambedkar Women Sudhar Society, Balla, Karnala’, had misappropriated an amount of approximately Rs.4 lakhs.

Learned counsel for the petitioner submitted that the aforesaid ‘Dr. Bhim Rao Ambedkar Women Sudhar Society, Balla, Karnala’ had been allocated an amount of Rs.5 laksh for construction of ‘langar’ hall in the

year 2018 and that on the basis of an incorrect report submitted by Junior Engineer (JE) to the effect that construction work to the tune of only Rs.96,000/- approximately had been undertaken, it was presumed that the petitioner had misappropriated the remaining amount, whereas the bills as have been annexed with the instant petition as Annexure P-2, show that several payments have been made to the construction material suppliers and also labour. It has been submitted that a huge quantity of construction material was in fact lying in the store, which has not been taken into account of JE while submitting his report that construction work only to the extent of Rs.96,000/- had been undertaken.

Learned counsel for the petitioner has further submitted that the present FIR is an outcome of political rivalry as the petitioner happens to be President of the aforesaid 'Dr. Bhim Rao Ambedkar Women Sudhar Society, Balla, Karnala', whereas there are others, who are eyeing the said post.

Notice of motion for 25.8.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to her furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has joined investigation, but the amount allegedly misappropriated has not been recovered till date.
4. Having regard to the nature of allegations and the fact that the petitioner has joined investigation, the custodial interrogation of the petitioner cannot be said to be warranted on the ground that he has not got the allegedly misappropriated amount recovered, as the petitioner in any case is disputing the said amount. As such, the petition is accepted and the

interim directions issued by this Court vide order dated 10.02.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.08.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**