

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

224

CRM-M-23210-2022
Decided on :31.05.2022

Manju

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. H.S. Deol, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Deepender Singh, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 439 of Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 136 dated 22.03.2022 under Sections 420, 406, 467, 468, 471 and 120-B of the Indian Penal Code, 1860 registered at Police Station Sadar Tauru, District Nuh.

Learned counsel for the petitioner has submitted that in the present case, the petitioner is a housewife and she has been in custody since 05.05.2022. It is further submitted that the petitioner was not named in the FIR and has subsequently been implicated in the present case only on account of being the wife of Shiv Raj, who was the manager of Aggarwal Filling Station. It is further submitted that as per the FIR, it was on the basis of connivance between one Ranjeet (Accountant-cum-Manager at Friends Filling Station) and Shiv Raj, husband of the

petitioner, that they had allegedly transferred money to Aggarwal Filling Station, Tauru, which was due to be paid by the customers to Friends Filling Station. It is contended that the present petitioner is neither an employee of Friends Filling Station or of Aggarwal Filling Station Tauru and thus, the question of her having played any role in the alleged transaction does not arise. It is further contended that the petitioner is sought to be implicated on account of the fact that money has been transferred by the husband into the account of the present petitioner and even in the said aspect, it is argued that it was the husband of the petitioner who was taking care of the said account and the petitioner is an illiterate lady, who does not know about the same. It is argued that it is a matter of common practice that the husband deposits money into the account of his wife. It is further argued that the petitioner is not involved in any other criminal case and thus, deserves the concession of regular bail.

Learned State counsel as well as learned counsel for the complainant, on the other hand, have opposed the present application for regular bail and have submitted that a total amount of Rs. 12,20,490/- has been deposited into the account of the present petitioner and out of the said amount, Rs.4,30,000/- has been deposited by her husband into the account of the complainant. It has been pointed out that the balance amount of Rs.7,90,490/- has been paid by the customers of the complainant into the account of the petitioner on the asking of the husband of the petitioner. It is further submitted that thus, the petitioner does not deserve the concession of regular bail. It is submitted that the husband of the petitioner is still absconding.

Learned counsel for the petitioner, in rebuttal, has submitted that as per the bank statement (Annexure P-2), approximately an amount of Rs.4,20,000/- has been credited to the account of Aggarwal Filling Station.

Although, the said statement has been refuted by learned counsel for the complainant.

This Court has heard learned counsel for the parties and has perused the paperbook.

The petitioner is not named in the FIR. A perusal of the FIR would show that it has been alleged that Ranjeet, who was an accountant-cum-manager of Friends Filling Station has, in connivance with Shiv Raj, husband of the petitioner, who was the manager of Aggarwal Filling Station, Tauru, transferred various amounts from the customer of Friends Filling Station into the account of Aggarwal Filling Station and thereafter, had divided the amount of Rs.40,00,000/- between the two of them. The petitioner is neither an employee of the Friends Filling Station nor of Aggarwal Filling Station and thus, the argument of learned counsel for the petitioner to the effect that she was not involved in the present alleged offence cannot be outrightly rejected. It is the case of the petitioner that she is an illiterate lady and a housewife and has not been named in the FIR. The petitioner has been in custody since 05.05.2022 and is not involved in any other case.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on

bail on her furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to her not being required in any other case.

Nothing stated above shall be construed as a final 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 petition.

(VIKAS BAHL)
JUDGE

May 31st, 2022
Mehak

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