

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201-3

CRM-M-24749-2022

Decided on :13.07.2022

Jaswinder Kaur

. . . Petitioner

Versus

State of Haryana

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Anshul Sharma, Advocate for
Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Ashit Malik, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No. 239 dated 10.08.2021 registered under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 (Sections 3 and 4 of the Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013 added later on) registered at Police Station Ram Nagar, District Karnal.

On 01.06.2022, this Court was pleased to pass the following order:-

“Inter alia contends that there is no specific allegation levelled against the petitioner and the petitioner has been made as an accused only on account of being the wife of one Kulwinder Singh, who is stated to be the Managing Director of the company-Anantha Global Herbocare Private Limited. It is further submitted that there

is no allegation that the present petitioner has induced any person so as to constitute an offence under Section 420 of IPC nor there is any allegation of criminal breach of trust against the petitioner. It is contended that the present case has civil trappings and although, amount has been deposited with the company but the company has not been arrayed as an accused. It is argued that the petitioner is a lady and is not involved in any other case. It is also argued that the co-accused of the petitioner namely, Narinder Kaur has also applied for anticipatory bail by way of filing petition bearing No.CRMM-20286-2022, in which, notice of motion has been issued and interim protection has been granted in favour of said Narinder Kaur. It is further submitted that in order to show her bona fide and without admitting her liability or involvement in the present case, the petitioner is ready to prepare a demand draft to the tune of Rs.50,000/-, in the name of complainant and is ready to hand over the same to the Investigating Officer within a period of three weeks from today.

Notice of motion for 13.07.2022.

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

The petitioner is directed to get a demand draft amounting to Rs.50,000/- prepared in the name of complainant which would be handed over to the concerned Investigating Officer when the petitioner goes to join the investigation and the same be done within a period of three week from today and the Investigating Officer is further directed to hand over the same to the complainant.

To be heard alongwith CRM-M-20286-2022. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, the petitioner has already handed over the demand draft to the tune of Rs.50,000/- in the name of complainant to the Investigating Officer and the same has been handed over by the Investigating Officer to the complainant. It is further submitted that the petitioner has joined the investigation.

Learned counsel for the State has submitted that although, the petitioner has joined the investigation but the entire amount has not been recovered from the petitioner.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 01.06.2022 and also the fact that the petitioner has joined the investigation and the demand draft to the tune of Rs.50,000/- has already been paid by the petitioner to the complainant, the present petition is allowed and the interim order dated 01.06.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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 application.

(VIKAS BAHL)
JUDGE

July 13th,2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No