

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103+204

CRM-1599-2022 in/&
CRM-M-28387-2021
Date of Decision :18.01.2022

Jean Antony Sequeira

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Chaitanya Kotnis, Advocate and
Mr. Abhishek Sharma, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. R.S. Rai, Senior Advocate with
Mr. Karan Pathak, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)
CRM-1599-2022

As prayed for, application is allowed.

Annexures R-2/1 and R-2/2 are taken on record.

CRM-M-28387-2021

Petitioner is seeking anticipatory bail in FIR No.46 dated
19.02.2021 registered under Sections 406 & 420 of the IPC (Sections 467,
468, 471 & 120-B of the IPC added later on) at Police Station Udyog Vihar,
District Gurugram.

On 01.11.2021 following order was passed by this Court:-

“Learned counsel for the petitioner submits that the allegations against the petitioner and co-accused Priya Clyde Andrades are similar in nature and co-accused Priya Clyde Andrades has already been granted the benefit of anticipatory bail and the petitioner is also ready to join the investigation and cooperate. Learned counsel for the petitioner submits that though the arrest of the petitioner has already been stayed vide order dated 27.07.2021 but as there is no direction to join the investigation, the petitioner is yet to join the investigation.

Learned State counsel does not dispute the assertion of the learned counsel for the petitioner as rendered herein before.

Keeping in view the above stated facts, let the petitioner join the investigation and cooperate. Learned State counsel is requested to inform this Court, whether, after joining the investigation, the petitioner is cooperating with the same or not.

Adjourned to 12.01.2022.”

Learned State counsel, who has joined the proceedings through video conference, on instructions from S.I, Parveen Kumar states that in pursuance to the order dated 01.11.2021, the petitioner has joined investigation and she is not required for further interrogation, at this stage, but submits that as the challan is yet to be presented, Investigating Agency may kindly be given an authority to summon the petitioner in case, she is required to clarify any doubt.

Learned counsel for the petitioner undertakes that as and when the petitioner is directed to appear before the Investigating Agency, the said direction will be complied with by the petitioner without raising any objection.

At this stage, learned Senior counsel appearing for the complainant submits that the petitioner is guilty of the allegations as part of the amount, which has been siphoned off by all the accused, has also been credited in the account of the petitioner, which shows her connivance.

Learned Senior counsel further submits that as per the documents, which have been placed on record by way of CRM-1599-2022, a sum of Rs,8,10,000/-, which was deposited in the account of the petitioner, is a part of the amount, which has been siphoned off by the accused and the credit of the same in the bank account of the petitioner proves the guilt of the petitioner.

Learned counsel for the petitioner submits that as per the instructions received by him from the petitioner, the said amount has been received by the petitioner as a rent of the property, which has been rented out by the petitioner to the company since last 15 years and the said amount (rent) is being received every year and the said amount has also been shown in the income tax return filed by the petitioner.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

This Court is not opining upon the guilt or innocence of the petitioner at this stage, as the allegations will be investigated by the Investigating Agency first and, thereafter are to be proved before the trial Court on the basis of the evidence, which will come on record.

As learned State counsel on instructions of S.I, Parveen Kumar has stated before this Court that the petitioner is not required for investigation any further at this stage, order dated 01.11.2021 passed by this Court, is made absolute keeping in view the undertaking given by learned counsel for the petitioner that as and when the petitioner is required by the Investigating Agency, henceforth, the said direction will be complied with by the petitioner without raising any objection. However, the petitioner

shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands disposed of.

January 18, 2022
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

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