

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-34799-2022 (O&M)

Date of Decision:-15.11.2022

Monika Sharma

... Petitioner

Versus

State of U.T., Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satyam Tandon, Advocate with
Ms. Nisha Kanojia, Advocate for the petitioner.

Mr. J.S. Toor, APP, U.T., Chandigarh.

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.116 dated 27.7.2022, Police Station Sector-31, Chandigarh, under Section 420 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 6.8.2022:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.116 dated 27.7.2022, Police Station Sector-31, Chandigarh, under Section 420 of Indian Penal Code.

The FIR has been lodged at the instance of Rikhi Ram (father-in-law of the petitioner), wherein allegations of cheating have been levelled against Ghanaya Singh, Lalit Gupta, Methew Michael Zomboraczare, who are all Directors of ‘Data Guise India Private Limited’ and also against Monika Sharma (petitioner), who is

stated to be Project Manager of the said company. The relevant extract from the FIR reads as follows:

“The accused No.1 to 3 are promoters/Directors of a company known as Dataguise India Pvt. Ltd. Located at Mohali, and Accused no.4 is their Project Manager. I recently came to know about a fraud committed by the above named persons with me. They have a reported to the Income Tax Department a payment of Rs.90,400/- to me as house rent for the year 2020-2021, on behalf of Monika Sharma. All the above named accused somehow managed to steal and misused my PAN details, to which I never gave consent or authorization, and committed forgery, fraud and cheating by illegally reporting the above mentioned amount to the Income Tax department paid to me as house rent. I have not received even a single penny out of this amount from the above accused.”

Learned counsel for the petitioner submits that the matter infact is basically on account of a matrimonial discord amongst the petitioner and her husband Yogesh Puri, to whom she was married on 4.10.2019 but on account of the differences, she was constrained to move out of her matrimonial home in June 2020. It is alleged that on account of the harassment having been met out to her, she had lodged one FIR under Sections 406 and 498-A of Indian Penal Code i.e. FIR No.0061, dated 7.7.2022, Police Station Women Police Station, Chandigarh, under Sections 406 and 498-A of Indian Penal Code and as a counter blast the instant FIR has been lodged.

It has further been submitted that the PAN Card of petitioner's father-in-law was furnished to the company for the purpose of claiming House Rent but subsequently on account of straining of relationship and also particularly since she had moved out of her

matrimonial home, she furnished her mother's PAN Card as she had started staying with her mother.

Notice of motion for 15.11.2022.

At this stage, Mr. J.S. Toor, APP, U.T., Chandigarh, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.

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 from the Investigating Officer, has informed that pursuant to interim directions, the petitioner has since joined investigation and she is not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 6.8.2022 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.

15.11.2022

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**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No