

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36812-2022
Date of decision : 28.09.2022

Shallu Kakkar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Narinder S Lucky, Advocate
for the petitioner.

Mr.Dhruv Sihag, AAG, Haryana.

Mr.Anuj Dewan, Advocate for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.143 dated 06.07.2022 registered under Sections 43, 66 and 66(B) of I.T.Act 2000 and Sections 420, 120-B IPC at Police Station Udyog Vihar, District Gurugram.

On 22.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the petitioner is a 42 year old lady, who had joined the complainant company on 03.04.2018 and worked there till 05.01.2021. It is further submitted that the complainant company had been harassing the potential nurses (candidates for employment) by obtaining affidavits from them in advance to the effect that they would not avail services of any hiring company and in case, they chose to do so, they would be liable to pay an amount of Rs.35,000/- to the complainant-company. It is contended that on the date of the petitioner leaving the company i.e., on 05.01.2021,

there was a substantial amount due to the petitioner and that allegations in the FIR are with respect to the period subsequent to 05.01.2021. It is further contended that at any rate, the dispute as has been disclosed in the FIR would be a civil dispute and the petitioner in order to show her bona fide and without accepting her liability, is ready to pay an amount of Rs.50,000/- to the complainant company.

Notice of motion for 28.09.2022.

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 prepare a demand draft of Rs.50,000/- in the name of complainant company and is also directed to give the same to the Investigating Officer within a period of two weeks from today, who shall further handover the same to the complainant company after taking receipt from them.

It is made clear that in case, the demand draft of Rs.50,000/- is not given to the Investigating Officer prepared in the name of the complainant company within a period of two weeks from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.50,000/- would not be construed as an admission of guilt by the petitioner.

(VIKAS BAHL)
JUDGE”

22.08.2022

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and has handed over the demand draft of Rs.50,000/- in the name of the complainant to the Investigating Officer, who has further given the same to the complainant.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation and has

admitted the fact that the petitioner has given the demand draft of

Rs.50,000/- in the name of the complainant to the Investigating Officer, who had further given the same to the complainant.

Learned counsel for the complainant has confirmed the said fact.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 22.08.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation and the fact that the petitioner has given the demand draft of Rs.50,000/- in the name of the complainant to the Investigating Officer, the present petition is allowed and the interim order dated 22.08.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

September 28, 2022

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No