

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40626-2022

Date of decision : 13.12.2022

Veena Kaushik

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :-Mr.Partap Singh, Advocate and
Mr. Santosh Bhardwaj, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

Mr. Naresh Gopal Sharma, Advocate and
Mr. Chandra Shekhar Yadav, Advocate
for the complainant.

PANKAJ JAIN, J. (ORAL)

On 13.09.2022, the following order was passed:-

“Apprehending her arrest in FIR No.484 dated 28.12.2018, registered under Sections 406, 420, 467, 468, 471, 477-A & 120-B of the IPC at Police Station Industrial Sector-7, Manesar, District Gurugram, Haryana petitioner seeks pre-arrest bail.

Counsel for the petitioner *inter-alia* contends that whole of the case projected by the complainant is that Manager Finance & Accounts namely, Mukesh Kaushik who happens to be the husband of the petitioner, mis-used certain cheques and siphoned off money. He further submits that keeping in view the fact that the petitioner had no access to the allegedly mis-used cheques, the offence cannot be said to have travelled to her doors.

Notice of motion returnable for 13.12.2022.

On the asking of the Court, Mr. Sumit Jain, Addl.AG, Haryana appears and accepts notice on behalf of the respondent-State.

Mr. Chandra Shekhar Yadav, Mr. Naresh Gopal Sharma, and Mr. Pratyush K.Yadav, Advocates who have entered appearance on behalf of the complainant emphatically and strenuously oppose such prayer and submit that in fact she is the beneficiary. The car was purchased by mis-using those cheques in the name of the petitioner which she later on sold to purchase the flat and the said fact has been unearthed during investigation. However, he is not in a position to deny the fact that the petitioner had no access to the finances/accounts/cheques of the complainant-company.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. She shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Today, Mr. Ambavta submits that though the petitioner has joined investigation, yet the sale proceeds out of the Innova Car which was purchased in the name of the petitioner out of the embezzled funds is yet to be recovered.

3. Faced with the situation, Mr. Partap Singh submits that the said amount of Rs.7,40,000/- already stands refunded to the complainant-company. Mr. Sharma representing the complainant does not dispute the aforesaid fact.

4. In view of the aforesaid factual assertions made by the counsels, the interim order dated 13.09.2022 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2)

Cr.P.C.

5. Petition stands disposed off.

(PANKAJ JAIN)
JUDGE

13.12.2022
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No