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

CRM-M-4461-2023
Date of Decision: 16.03.2023

Jyoti and another

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Rishab Goyal, Advocate assisted by
Mr. Deepak Girotra, Advocate for
for the petitioners.

Mr. Amrik Narwal, DAG, Haryana.

Mr. Abhinav Sood, Advocate
for the complainant.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.523 dated 28.12.2022, under Sections 120-B, 406, 420 and 506 of the Indian Penal Code, 1860, registered at Police Station Chand Hut, District Palwal (offence under Sections 467, 468 and 471-B of the Indian Penal Code added later on).

On 30.01.2023 the following order was passed by this Court :-

“Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioners, in case FIR No.523 dated 28.12.2022, registered under Sections 120-B, 406, 420 and 506 of the Indian Penal Code, 1860, at Police Station Chand Hut, District Palwal (offence under Sections 467, 468 and 471-B of the Indian Penal Code added later on).

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the case on the basis of complaint made by one Smt. Gayatri, resident of Village Badhram, Tehsil and District Palwal. It is submitted that the petitioners are in business of direct selling/reference selling and multi level marketing for a firm under the name and style of Vihaan Direct Selling India Private Limited, which is a subsidiary of Global Direct Selling Company. Learned counsel further submitted that petitioner No.1 appointed one girl namely, Dimpy as the distributor under her supervision, who was a friend of daughters of the complainant and also got the complainant and her husband joined in the said business and duly got appointed them as distributors. Learned counsel also submits that it is the complainant and her husband, who purchased the products from the company and in lieu of that, they had given the amount. It is submitted that when the complainant and her husband found it difficult to sale further products, they made the present complaint to extort money which they had paid to purchase the products direct from the company and became the distributor. Learned counsel further submits that the petitioners have already joined the investigation many times earlier before the Investigating Agency, Police Station Alawarpur, Palwal as well as Police Station Mundkati, Palwal and have submitted the entire documents and by concealing all these facts, the complainant has mala-fidely got lodged the present FIR at Police Station Chand Hut, District Palwal. It is submitted that the application moved by the petitioners for grant of anticipatory bail has wrongly been declined by learned Additional Sessions Judge, Palwal, vide order dated 18.01.2023. Learned counsel also submitted that the petitioners are still ready and willing to join investigation as and when required by the Investigating Agency or as directed by this Court/trial Court.

Notice of motion.

On the asking of the Court, Mr. Amrik Narwal, Deputy Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and seeks accommodation to get instructions.

At this stage, learned counsel for the complainant-Mr. Abhinav Sood, appears and filed his Memorandum of Appearance in the Court today, which is taken on record, subject to all just exceptions. He opposes the bail plea of the petitioners on the ground that they have cheated the complainant and induced her to deliver Rs.4 lakhs.

List on 16.03.2023.

In the meanwhile, in the event of arrest of the petitioners, they shall be released on ad interim bail to the satisfaction of the Investigating/Arresting Officer. However, they shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.

A copy of the complete paper book be supplied to learned State counsel by the learned counsel for the petitioners during course of the day.”

Learned counsel for the petitioners submits that pursuant to the aforesaid order, the petitioners have joined the investigation.

Learned State counsel on instructions from PSI Manoj Kumar has not disputed the aforesaid fact of joining of investigation by the petitioners and submits that their custodial interrogation is not required at this stage.

Heard learned counsel for the parties.

Since the petitioners have joined the investigation and their custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 30.01.2023 passed by this Court is made absolute.

However, the petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioners fail to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioners.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded

above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

16.03.2023
Himani

(HARSH BUNGER)
JUDGE

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