

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

CRM-M-10764-2022

Date of Decision: January 23, 2023

SHAILJA VERMA		 Petitioner
	Versus	
STATE OF HARYANA		 Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.K. Tripathi, Advocate
for the petitioner.

Mr. Amit Shukla, AAG, Punjab.

HARKESH MANUJA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.094 dated 12.03.2021 u/s 406, 420, 506, 120-B of IPC registered at Police Station Central Faridabad, District Faridabad.

Learned counsel for the petitioner submits that in fact the main allegations were leveled against Sumit Deoli who entered into some kind of arrangement with the complainant with an assurance to get him dealership of TATA Motors warehouse and under the said pretext got some money transferred in the name of present petitioner who was an employee with Sumit Deoli. Referring to the affidavit of Sumit Deoli (Annexure P-3 at Page 21) as well as statement of account of the present petitioner attached along with the petition as Annexure-P4 at Page 23 (relevant at Page 27) learned counsel further submits that the money transferred in the name of the present petitioner was further transferred in the account of Sumit Deoli as well as Kapil Gulati as reflected from the entries made on 28.05.2019 and thus submits that the petitioner has in

fact nothing to do with the alleged offence. On 05.04.2022, this Court passed the following order:-

“Mr. Johan Kumar, Advocate has appeared for complainant and has filed his power of attorney which is taken on record.

It has been stated by the learned State counsel that the petitioner has today come up for joining the investigation.

It is directed that the petitioner shall join the investigation as and when called by the IO on further dates and on her doing so, the petitioner be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 2.9.2022.”

In pursuance thereof, as per learned counsel for the petitioner, the petitioner has joined the investigation twice and has been responding to the queries put by the Investigating Agency as and when required.

On the other hand learned State Counsel on instructions from ASI Pritam Singh and assisted by Mr. Akshit Mehta, Advocate for complainant, opposed the prayer made herein and submits that the petitioner though having joined the investigation has not been cooperating with the Investigating Agency as the amount transferred in her account is yet to be recovered.

I have heard learned counsel for the parties. I find substance in the submissions made by the petitioner.

In the present case the FIR was got lodged after a gap of almost two years. The petitioner has already joined the investigation twice and has tried to cooperate with the Investigating Agency. In fact the

petition under Section 438 Cr.P.C cannot be converted into recovery proceedings. More than that, in the present case, the statement of account (Annexure

P-4), pertaining to the petitioner clearly depicts that the amount deposited in her name was transferred further in the accounts of Sumit Deoli as well as Kapil Gulati on the same day itself. Besides this, the learned counsel for the petitioner also placed reliance upon an order dated 03.08.2022 passed by the Court of Additional Chief Judicial Magistrate Faridabad wherein Sumit Deoli was granted the benefit of regular bail based on the concession made by the counsel representing the complainant.

Considering the aforesaid facts and circumstances the present petition is allowed. The order dated 05.04.2022 is hereby made absolute.

Disposed of accordingly.

23.01.2023
tejwinder

(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No