

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-28133-2022
Date of decision: 14.11.2023

Saloni SharmaPetitioner.

Versus

State of PunjabRespondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sunil Chadha, Sr. Advocate, with
Mr. Tara Dutt, Advocate,
for the petitioner.

Mr. Aditya Kapoor, AAG, Punjab.

Mr. Sagar Aggarwal, Advocate,
for Mr. Ashit Malik, Advocate,
for the complainant.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
162	13.06.2022	408, 420 IPC	P.S. Division No. 6, Ludhiana

2. Learned counsel for the petitioner submits that in compliance
to the order dated 10.03.2023, the petitioner has joined the investigation.
The said order is reproduced below: -

‘ On the previous date of hearing, learned counsel
for the complainant had submitted that agreement dated
06.09.2019 had been forged by the petitioner and had
been sent by the police for forensic examination.
However, the said statement is not factually correct as

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today learned State counsel has submitted that agreement dated 06.09.2019 has never been sent for forensic examination as the same is not available with the investigating agency.

Learned senior counsel for the petitioner has argued that the petitioner is the niece of the complainant and was managing his business in India as the complainant is a Non Resident Indian. Allegation of diversion of funds are false. All funds have been transferred from the business accounts by way of bank transfer and, thus, money trail can be followed very easily. The evidence being totally documentary in nature, custodial interrogation of the petitioner is not necessary.

Adjourned to 01.05.2023.

Meanwhile, the petitioner is directed to join investigation with the Investigating Officer on 20.03.2023 at 10.00 a.m. and co-operate therewith. In the event of her arrest, she shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to her joining the investigation and compliance of the provisions enshrined under Section 438(2) Cr.P.C.'

3. Learned State counsel on instructions, informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation. On the other hand, learned counsel appearing for the complainant submits that the agreement dated 06.09.2019 (Annexure P-5) effected between the parties is fabricated.

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4. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 10.03.2023 passed by this Court, interim bail granted vide order dated 10.03.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

5. The petition stands allowed.

6. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

14.11.2023
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |