

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-27216-2023

Date of Decision:31.07.2023

Rozy Dhand

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Vaibhav Bhargav, Advocate with
Ms. Srishti Sharma, Advocate for
Mr. Gaurav Datta, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab assisted
by ASI Harjinder Singh.

DEEPAK GUPTA, J.(ORAL)

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.61 dated 01.03.2023 registered under Sections 406, 420, 120-B of the IPC (Sections 408, 465, 467, 468 & 471 of the IPC were added later on) registered at Police Station Tripri, District Patiala.

On 29.05.2023, following order was passed:

“By way of this petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.61 dated 01.03.2023, registered under Sections 406, 420, 120-B IPC (Sections 408, 465, 467, 468 and 471 IPC added later on) at Police Station Tripri, District Patiala.

Allegations are that Rahul Dhand – co-accused, son of the petitioner was working as Accountant with the complainant Anter Pal Singh for several years and taking benefit of utmost faith reposed in him, he allegedly siphoned off/ embezzled an amount of more than ₹60 lacs by using the forged accounts/ credit cards of the complainant. It is further the allegation that said co-accused Rahul

Dhand transferred the money in various accounts of his accomplices including that of his mother. In the account of the petitioner, who is his mother, an amount of ₹3,35,000/- is stated to have been transferred on different dates.

Contention of learned counsel for the petitioner is that petitioner is an old aged woman and she did not know about operating the account as same was being operated by her son. Learned counsel submits that the petitioner is ready to transfer an amount of ₹3,35,000/- to the complainant.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab, accepts notice on behalf of the respondent- State. Mr. Onkar Singh Wahla, Advocate appears for the complainant and filed his Vakalatnama.

Adjourned to 31.07.2023.

Keeping in view the submissions made by learned counsel for the petitioner, let the status report be filed by the respondent- State and reply, if any, be also filed by the complainant on or before the date fixed.

In the meantime, in case of her arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. She shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. She shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.

However, this is subject to the condition that petitioner shall deposit the amount of ₹3,35,000/- in the account of the complainant or shall give demand draft in favour of the complainant, within 15 days from today.”

On instructions from ASI Harjinder Singh, it is conceded by learned State counsel that petitioner has since joined the investigation.

In view of the same and having regard to the factual position noticed earlier on 29.05.2023, the petition is allowed and the order dated 29.05.2023 granting interim anticipatory bail to the petitioner, is made absolute.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

July 31, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No