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211 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-30332-2023 (O&M)  
Date of decision : 22.11.2023

Mansi Gupta and another

...Petitioners

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Mr. Gautam Dutt, Advocate,  
for the petitioner.

Mr. Vikram Singh, AAG, Haryana,  
for the respondent.

Mr. Amit Chaudhary, Advocate,  
for the complainant.

**MAHABIR SINGH SINDHU, J.**

Petition under Section 438 of the Code of Criminal Procedure, 1973, has been filed for grant of pre-arrest bail to the petitioners in FIR No.694 dated 04.12.2022, under Sections 420, 467, 468, 471, 120-B and 408 of the Indian Penal Code, 1860, registered at Police Station Sector 10, District Gurugram.

2. Above FIR was registered on the basis of statement made by one K.K.Gandhi with the allegations that petitioners in connivance with his family members had committed a fraud on the pretext of transferring payments to his vendors through Cash Management Service (CMS).

3. This Court, on 18.07.2023, granted interim bail to petitioners and relevant part of the same is recapitulated as under:-

*“Notice of motion.*

*On asking of the Court, Mr. Bhupender Singh, DAG, Haryana accepts notice on behalf of the respondent(s) and seeks time to have instructions and/or file written response in the matter.*

*Mr. Gaurav Gupta, Advocate appears on behalf of the complainant.*

*Posted for 13.09.2023.*

*In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail in the present case, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”*

4. Contends that in terms of the aforesaid order, petitioners have already joined investigation and their custodial interrogation are not required.

5. Above factual position is duly acknowledged by learned State Counsel, on instructions from SI Sandeep Kumar, and further stated that custodial interrogation of the petitioners are not required at this stage.

6. On the other hand, learned counsel for the complainant vehemently opposed the prayer of petitioners. Since learned State counsel is not asking for custodial interrogation of petitioners, therefore, the objection raised by learned counsel for the complainant is overruled; hence, rejected.

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7.

In view of the above, interim order dated 18.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
8.

It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.
9.

The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
10.

Disposed off accordingly.

22.11.2023  
adhikari

(MAHABIR SINGH SINDHU)  
JUDGE

|                               |     |    |
|-------------------------------|-----|----|
| Whether speaking / reasoned : | Yes | No |
| Whether Reportable :          | Yes | No |