

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35967-2023
Decided on : 16.11.2023

Manisha Yadav

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Pankaj Bali, Advocate
for the petitioner.

Ms. Trishanjli Sharma, DAG, Haryana.

Mr. Ashwani Talwar, Advocate and
Mr. Aashish Shegal, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

Reply filed on behalf of the complainant along with Annexures
R-2/1 to R-2/6 in Court today, is taken on record subject to all just exceptions.

Main case

Instant petition has been filed under Section 438 Cr.PC for grant
of anticipatory bail to the petitioner in case FIR No.13 dated 05.01.2023
under Sections 406, 420, 506 and 120-B IPC and Section 24 of Immigration
Act registered at Police Station Assandh District Karnal.

2. Learned counsel for the petitioner submits that in compliance of
order dated 10.08.2023, petitioner has joined the investigation and cooperated
with the investigating agency and hence, order dated 10.08.2023 be made

absolute. It has also been reiterated that the petitioner had no role to play in the affairs of AMV Global Overseas Pvt. Ltd. (hereinafter referred to as 'the Company') as she was just a sleeping partner. It has further been reiterated that false allegations had been levelled against the petitioner that she along with the co-accused had duped the complainant of a sum of Rs.1 crore 2 lakhs on the pretext of sending his children abroad.

3. Per contra, learned State counsel assisted by counsel for the complainant has controverted the submissions made by the counsel opposite. Learned State counsel submits that no doubt, the petitioner has indeed joined investigation, however, her custodial interrogation is required coupled with the fact that she had not approached this Court with clean hands as there had been blatant misrepresentation of facts. It has been submitted that the petitioner had been instrumental in duping the complainant to the tune of more than Rs.1 crore. While drawing the attention of this Court to Annexure R-2/1, which is master datasheet of the Company, it has been submitted that it is a matter of record that the petitioner was an active Director of the Company as she had been attending all the meetings of the Board of Directors. It has still further been asserted that the petitioner was also a signatory of the cheques, which were issued to the complainant pursuant to the compromise deed, which failed to be executed by the accused. Learned counsel for the respondents have further submitted that the petitioner has earlier also been involved in another case of similar nature. Hence, the instant petition be dismissed.

4. Heard learned counsel and perused the relevant material on record.

5. A perusal of list of Directors (Annexure R-2/1), which has been placed on record by the learned counsel for the complainant, reveals that the petitioner is an active Director of the Company, which had allegedly duped the complainant on the pretext of sending his sons abroad. The petitioner admittedly has not approached this Court with clean hands as she had claimed to be just a sleeping partner of the Company. On this ground itself, the instant petition, thus, deserves to be dismissed. Furthermore, this Court cannot also loose sight of fact that the petitioner has a criminal past and her custodial interrogation as prayed for also by the State, would be necessitated in the case in hand. Accordingly, the present petition stands dismissed.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

16.11.2023
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No