IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRM-M-54615-2023 (O&M)
Reserved on: 21.11.2023
Pronounced on: 24.11.2023

Rachna Aggarwal

... Petitioner(s)

Versus

State of Haryana

…Respondent (s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present:- Mr. Kunal Dawar, Advocate
for the petitioner(s).

Mr. Rajat Gautam, Addl.A.G., Haryana.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
22	26.5.2023	Anti Corruption Bureau, Gurugram, Haryana.	409, 420, 120-B IPC and Sections 7, 13(1)(a), 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988 (for short, "the PC Act")

1. Petitioner, who is wife of the main accused, apprehending arrest on the allegations that her husband had laundered the ill gotten money by purchasing properties in her name, had come up before this Court under Section 438 CrPC seeking anticipatory bail on 30.10.2023.

2. In paragraph 17 of the bail petition, the accused declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offences	Police Station
1.	23	26.05.2023	409, 420, 120-B IPC and Sections 7, 13(1)(a), 13(1)(b) read with Section 13(2) of the Prevention of Corruption Act, 1988	Anti Corruption Bureau, Gurugram, Haryana.

3. The State's counsel opposed the bail.

4. Vide order dated 02.11.2023, this Court had granted anticipatory bail to the

petitioner, subject to certain conditions which is still continuing.

5. Counsel for the petitioner submits that the petitioner has voluntarily complied with the said order in letter and spirit.

6. Facts of the case are being taken from the reply dated 10.11.2023 filed by way of the affidavit of the concerned DySP, which reads as under:-

> “3. That the present case was registered during investigation of case bearing FIR No. 21 dated 13.05.2023, registered at State Vigilance Bureau, Gurugram, in which husband of the petitioner namely Sumit Aggarwal is one of the named accused and this case bearing as case FIR No.22 dated 26.05.2023 registered for commission of offences punishable under Sections 409,420,120B of IPC and sections 07, 13(1)a, 13(1)b read with 13(2) of Prevention of Corruption Act, 1988 at Police Station ACB Gurugram.
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> 4. That during the investigation of the present case FIR No.22 dated 26.05.2023 it reveals that from the account No.000435001100025 of ICDP (integrated Cooperative Development Project), Rewari, an amount of Rs. 43,08,000/- was transferred through RTGS on 20.12.2018 and the RTGS form was signed by co accused Sumit Aggarwal (husband of petitioner Rachna Accountant, Aggarwal), ICDP (Integrated Cooperative Development Project) and co accused Yogender Aggarwal General Manager, ICDP (integrated Cooperative Development Project) Rewari (**copy of form is annexed as Annexure R1**) the said amount has been done/made in account No. 0363002900000025 IFSC Code PUNB0036300 PNB Bank, Nawan Shahr Dobamain, (Punjab) which is on the name of SRK Apartments, Zirakpur. From said amount of Rs. 43,08,000/-, flat No. 1607, Block-E, SRK Apartment, Zirakpur was purchased by co- accused Yogender Aggarwal and sale deed of the said flat No. 1607, Block-E, SRK Apartment, Zirakpur was executed on 25.03.2019 in favour of co-accused Yogender Aggarwal and co-accused Nitin Sharma was the nominee of said sale deed.
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> 5. That it had to come into the investigation that on 19.12.2018, co accused Nitin Sharm transferred Rs. 50,000/- through cheque No. 000010. Form the account No. 000435001100025 of ICDP Rewari. Thereafter, on 20.12.2018, amount of Rs.43,08,000/- was transferred through RTGS form the account No. 000435001100025 of ICDP Rewari and the RTGS form was signed by co accused Sumit Aggarwal (husband of petitioner Rachna Aggarwal), Accountant, ICDP (integrated Cooperative Development Project) and co accused Yogender Aggarwal General Manager, ICDP (integrated Cooperative Development Project Rewari (copy of form in annexed as Annexure R1) the said amount has been done/made in account No.0363002900000025 IFSC Code PUNB0036300 PNB Bank, Nawan Shahr Dobamain, (Punjab) which is on the name of SRK Apartments, Zirakpur.
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> 6. That it had also came in investigation that Rachna Aggarwal (petitioner), is wife of co accused Sumit Aggarwal Accountant, ICDP(integrated Cooperative Development Project), Further co accused Yogender Aggarwal remained posted as General Manager, co accused Sumit Aggarwal(husband of petitioner) remained posted as Accountant and co accused Nitin Sharma (on contract basis) remained posted as Development Officer in ICDP(integrated Cooperative Development Project) Rewari.

7. That the above-said accused persons namely Rachna Aggarwal(petitioner), Sumit Aggarwal (husband of petitioner) Accountant, Yogender Aggarwal General Manager, Nitin Sharma in collusion with each other had committed cheating, fraud, wrongful gain to themselves and wrongful loss to the department.
8. That during the investigation co-accused Sumit Aggarwal (husband of petitioner), Yogender Aggarwal, Nitin Sharma joined investigation and arrested and all are in judicial custody. During interrogation they suffered disclosure statement and they admitted their involvement and the accused had admitted that from said amount of Rs. 43,08,000/-, flat no. 1607, Block- E, SRK Apartment, Zirakpur was purchased by Aggarwal and Nitin Sharma was nominee.
9. That during the investigation of the present case it Yogender had come that co-accused Sumit Aggarwal (husband of petitioner) had transferred Rs.30,00,000/- by cheque No. 021802 dated 17.12.2018 **annexed as annexure R-2** from the account No. 000435001100025 of ICDP Rewari on 03.01.2019 to his personal account No. 10575764615 of SBI Bank Narnaul and thereafter accused Sumit Aggarwal (husband of petitioner) transferred Rs. 25,00,000/- from his above account to account of petitioner Rachna Aggarwal by cheque No. 616280 dated 04.01.2019 bearing account No. 000000352118667586 **copy of cheque No. 616280 annexed as R-3**.
10. Further, it had came into the investigation that petitioner Rachna Aggarwal had further transferred Rs. 10,00,000/- by cheque No. 721962 to owner of Kunal Enterprises namely Anil Aggarwal and Rs. 5,00,000/- were transferred by cheque No. 721961 to owners of Garg Associate namely Ankit Garg and Pankaj Garg dated 09.01.2019 **cheques are annexed as annexure R 4 & 5** the facts are also corroborated in the disclosure statement of co-accused Sumit Aggarwal (husband of petitioner) same are **annexed as annexure R-6.**
11. It is further submitted that one more case FIR No. 23 dated 26.05.2023 under Sections 07, 13(1)a, 13(1) read with 13(2) of Prevention of Corruption Act, 1988 at Police Station ACB Gurugram was also registered against the petitioner as her husband who was accountant in ICDP, remain transferred an amount of Rs.25,00,000/- to her account No.00000035118667586, SBI Narnaul form the account No.000435001100025 of ICDP Rewari. Through the account of co-accused and her husband Sumi Aggarwal."

7. A perusal of the reply clearly establishes that the petitioner is not the main accused, but a beneficiary of the funds and that too for the reason that she is wife of the main accused. Considering the status of a non-working wife in an orthodox Indian society, it cannot be said that the petitioner's acceptance to get the properties in her name was of her total free will and at least, this much lenient view can be taken *qua* the petitioner for the purpose of bail.

8. Given above, the petition is allowed and interim order dated 02.11.2023 is made absolute. All pending applications, if any, stand disposed.

9. However, it is clarified that observations made hereinabove are neither an

expression of opinion on the case's merits, neither the court taking up regular bail nor the trial Court shall advert to these comments.

(ANOOP CHITKARA)
JUDGE

November 24, 2023
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Whether speaking/reasoned	:	Yes
Whether reportable	:	Yes