

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-1664-2024
Date of decision: 11.03.2024

MONIKAPETITIONER

VERSUS

STATE OF HARYANARESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Rakesh Nehra, Sr. Advocate with
Mr. Chanderhas Yadav, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Suresh Kumar Kaushik, Advocate
for the complainant.

SANJIV BERRY, J.(ORAL)

1. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
783	23.08.2022	119, 120-B, 166, 204, 34, 35, 403, 406, 409, 417, 418, 420, 426, 465, 466, 467, 468, 477A, 506 of IPC and Section 3 of the Haryana Protection of Depositors in Financial Establishment Act, 2013	HTM Hisar, District Hisar

2. Learned counsel for the petitioner submits that in compliance to the order dated 08.02.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 08.02.2024.

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3. Learned State counsel intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. During the course of hearing on 08.02.2024, following order was passed:

“5. It is, inter alia, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case just because her father Sher Singh was managing the Ideal City Bank Cooperative Non-Agricultural Saving and Credit Society Ltd. along with other members.

6. He further contends that said Sher Singh had expired in 2021 and during his life time, the marriage of the petitioner was performed during COVID-19 pandemic in a simple manner. The only brother of the petitioner was hard core drunker and father of the petitioner did not like him. He contends that on account of some irregularities in the Society, the Office of Assistant Registrar, Cooperative Societies, Hisar, has already attached all the properties, bank accounts, lockers in the name of the petitioner. Although, the petitioner has no concern whatsoever with the alleged irregularities in the working of the Society nor she was member of the Society. There is no allegation against the petitioner of having taken any benefit from the said Society and even her mother has been arrested by the police from whom only Rs.3,000/- and some gold ornaments of daily wear have been recovered by the police.

7. He further contends that the petitioner is not having criminal antecedents and is ready to join the investigation.

8. Per contra, learned State counsel, assisted by learned counsel for the complainant, have assailed the version of the petitioner by submitting that there are allegations against the petitioner of having purchased the properties out of the money

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given by her father Sher Singh which he had misappropriated from the funds of the Society. However, it is not disputed that all the properties in the name of petitioner including bank accounts, lockers and immovable properties have since been attached. The Incharge of SIT present in Court has stated that present petitioner has been nominated on the basis of the statement given by her mother during interrogation in custody.

9. Considering all the above facts and circumstances and without commenting on the merits of the case, it is deemed appropriate that the petitioner should join the investigation first before deciding the petition on merits and the petitioner is hereby directed to join investigation within seven days from today and in the event of her arrest, she is ordered to be released on interim bail on her furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. She shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

10. List on 11.03.2024.”

5. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 08.02.2024 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; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the

Court.

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6. The petition stands allowed.
7. 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

11.03.2024

kanika		
i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No