

218

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.3414 of 2024

Date of Decision:-05.02.2024

DIKSHA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ritesh Pandey, Advocate,
for the petitioner.

Mr. Sarabjit Singh Cheema, DAG, Punjab.

Mr. Ritesh Aggarwal, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0002	06.01.2024	417, 420, 408 IPC and Section 66 (C) of Information Technology Act.	Shahpur Kandi, District Pathankot.

2. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner was working as Computer Operator in the Institute run by the complainant and evaluating her conduct and efficiency

she was promoted as Vigilance Officer w.e.f. 01.04.2019 and then as Administrator of Nursing College in the year 2021. He submits that petitioner sought leave on account of her marriage, which the complainant refused and ultimately she tendered resignation on 17.12.2023 and agitated on this false case has been got planted upon the petitioner. He contends that whatever amount spent by petitioner has been with the consent of the complainant and has committed no misappropriation, as such he prays for grant of bail to the petitioner.

3. On the other hand, learned State counsel assisted by learned counsel for the complainant has assailed these arguments by referring to the reply dated 30.01.2024 in the form of affidavit, submitted by Deputy Superintendent of Police, Sub Division City, District Pathankot to argue that the petitioner was managing all the affairs of the institute and had been given even credit card by the complainant to operate as he was living in Mumbai and the petitioner has misused the credit card for her own use and has misappropriated the amount. They contend that the amount of cheques withdrawn through Balbir Singh (clerk) and Devanshu Mahajan (Account Officer) has also retained by the petitioner and this fact has come in the inquiry, conducted before the Registration of the FIR. They further contend that the petitioner had sold Shuttering iron plates kept in the institute and had retained the proceeds thereof, with herself, besides misusing the credit card of the complainant for purchase of jewellery items and apple iphone and smart watch etc., as such, it is contended that custodial interrogation of the petitioner is required to recover the articles.

4. After considering the rival contentions and perusing the record,

it is not disputed that the petitioner had joined the institute of the complainant as Computer Operator and later on was promoted as Vigilance Officer and then as Administrator of Nursing Institute in the year 2021. The present FIR was registered after thorough inquiry into the allegations. The allegations levelled in the FIR are that from the credit card of the complainant ₹1,59,000/- were spent at radiant store for purchase of mobile phone, smart watch and power adapter on 17.07.2023, ₹25,744/- spent at Shoppers Stop on 25.07.2023, ₹50,000/- at Titan on 14.08.2023. The aforesaid mobile phone was found to be used by the petitioner and its IMEI Number matched with the IMEI number mentioned in the bill. Besides there are allegations that amount of ₹2,30,000/- and 2,45,000/- had been withdrawn from the account of the institute through Balbir Singh (clerk) and Dipanshu (Account Officer) and the same was retained by her and this fact has been stated by both the officials during the course of inquiry. This apart there are also allegations that the petitioner had sold shuttering iron plates of the institute and had misappropriated the proceeds thereof amounting to ₹3,50,000/- approximately. The inquiry into the allegations levelled by the complainant was thoroughly conducted by the Superintendent of Police, PBI, District Pathankot wherein petitioner also joined for recording statement besides recording statement of other concerned persons and during course there of it transpires that the alleged resignation was never submitted by petitioner and she had left the job without handing over the charge to any body. Besides the aforesaid transactions it has come in investigation that she even forged signatures of Chairman on the Aadhar Card which she had given for the purchase of jewellery in her own name.

5. In these circumstances, there are serious allegations levelled against the petitioner who was working as Administrator of the institute and as such custodian of the property of the institute, which she allegedly misappropriated and purchased articles by using credit card of the Chairman in her own name, therefore custodial interrogation of the petitioner is required. Considering the serious nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

05.02.2024
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |