

205-1 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-24066-2023(O&M)

Date of decision: 13.03.2024

NISHA BHATIA

.....Petitioner

versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Harsimrat Randhawa, Advocate
 for the petitioner(s).

 Mr. Amrik Singh Narwal, D.A.G., Haryana.

 Ms. Niharika Gupta, Advocate
 For respondent No.2.

HARPREET KAUR JEEWAN, J. (ORAL)

1. Mr. Harsimrat Randhawa, Advocate, puts in appearance on behalf of petitioner and files his *Vakalatnama* in Court today, which is taken on record, subject to all just exceptions. Office is directed to tag the same at appropriate place.

2. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.54 dated 14.04.2023 under Sections 498a, 406, 323, 506, 377, 420 and 34 of IPC registered at Police Station Women NIT, District Faridabad.

2. Counsel for the petitioner submits that the petitioner was granted interim bail as per the order dated 03.08.2023 passed by the co-ordinate Bench of this Court.

The relevant portion of the aforesaid said order reads as under:-

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“On 12.05.2023 the following order was passed :

“The present petition has been filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner (who is stated to be mother-inlaw of the complainant) in case FIR No. 54 dated 14.04.2023, under Sections 498-A, 406, 323, 506, 377, 420 and 34 of the Indian Penal Code, at Police Station Women NIT, Faridabad.

Learned counsel for the petitioner submits that the entire story and the allegations leveled in the FIR are wrong and concocted and more so, the subsequent report by which Section 420 IPC has been added is also without any genesis.

Notice of motion.

Mr. Brijesh Sharma, AAG, Haryana, accepts notice on behalf of respondent-State and has vehemently opposed that despite granting interim bail to the petitioner, wherein she was directed to join the investigation, she has not cooperated and there are various transactions in the Company in which she is a director which are to be looked into and prays for an accommodation to file status report in the matter.

In the interest of justice, adjourned to 17.05.2023.

May do so before the next date of hearing with an advocate copy to the counsel opposite. ”

Learned senior counsel for the petitioner has placed on record vide CRM-32083-2023 the bank authorization to operate the accounts of M/s Care More Health Private Ltd. in favour of the petitioner. Learned senior counsel would further contend that even as per the allegations in the FIR, the petitioner is one of the Directors and all bank powers to operate the bank account are given to the petitioner.

List on 13.10.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

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3. Counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 03.08.2023 passed by the Co-ordinate Bench of this Court.
4. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Munish, confirms that the petitioner has joined investigation and also contends that her further custodial interrogation is not required.
5. In view of the reasons recorded in the order dated 03.08.2023 and keeping in view the fact that the petitioner has joined investigation, her further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 03.08.2023 passed by the co-ordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.
6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
7. Liberty is reserved in favour of the State/complainant to move for cancellation/recall of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

(HARPREET KAUR JEEWAN)
JUDGE

13.03.2024

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*