



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-23989-2024
Date of decision: 23.08.2024

RAJSHREE KHARE ...PETITIONER

Versus

STATE OF HARYANA ...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present: - Mr. H.P.S. Rahi, Advocate for the petitioner.
Mr. Surender Singh, AAG, Haryana.
Mr. Gautam Dutt, Advocate and
Mr. Shivam Kaushik, Advocate for complainant.

SANJIV BERRY, J. (ORAL)

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

FIR No.	Dated	Sections	Police Station
71	15.03.2024	406, 409, 420, 120-B of IPC.	Mullana, District Ambala.

2. Learned counsel for the petitioner has placed on record the copy of order dated 20.08.2024 passed by the Court of learned Chief Judicial Magistrate, Ambala, to submit that the petitioner has deposited the amount of Rs.1.29 lakhs in the shape of FDR before the concerned Court. He submits that in compliance to the order dated 18.07.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 18.07.2024 .



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3. Learned State counsel, on instructions received from ASI Amit Kumar, intimates the Court that the petitioner has already joined investigation and is neither required for further investigation nor for any custodial investigation.

4. Learned counsel for the complainant opposed the submissions made by learned counsel for the petitioner.

5. During the course of hearing on 18.07.2024, following order was passed:

“ *Heard.*

2. *Learned counsel for the petitioner inter alia contends that the petitioner had been working as head of department with the complainant- University at the relevant time and the account in question was opened by Chemistry department for the welfare of the needy students wherein voluntary contribution were made and it was to be operated by the petitioner being head of the department and Professor Vinod Kumar. He further contends that the University has no concern whatsoever with the said account nor is there any complaint from any student of the department and the instant FIR has been filed just to harass the petitioner. He further contends that the petitioner is even ready to deposit the alleged amount of Rs.1.29 lakhs in the said bank account without admitting any criminal liability thereto and without prejudice to her rights.*

3. *Learned counsel for the petitioner further contends that the petitioner has no criminal antecedents and is ready to join the investigation.*

4. *Per contra, learned State counsel assisted by learned counsel representing the complainant while referring to the reply submitted by the State has submitted that the*



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petitioner is not entitled to any concession as she had embezzled the amount from the account in question total amounting to Rs.1.29 lakhs. However, to a query it has been fairly acceded to by them that this account in the bank does not belong to the complainant-University and has been opened by the petitioner along with aforesaid Vinod Kumar in violation of the University regulations.

5. Keeping in view the above facts and circumstances and without commenting on the merits at this stage, on the petitioner depositing Rs.1.29 lakhs in the aforesaid bank account within 05 days, she is directed to join the investigation within 07 days thereafter and 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.

6. List on 06.08.2024.”

6. As is evident that the petitioner has already deposited the amount of Rs.1.29 lakhs before the Court of learned Chief Judicial Magistrate, Ambala. As stated by learned State counsel, on instructions from the investigating officer, the petitioner has also joined the investigation in pursuance to the order dated 18.07.2024, and is no more required for further investigation. Therefore, keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 18.07.2024 passed by this Court, interim bail granted vide order dated 18.07.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioner is directed to join investigation as



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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; she will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

- 7. The petition stands allowed.
- 8. 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

23.08.2024
kanika

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