

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29507-2022
Date of decision : 06.03.2024

TANYA SINGH DUGGAL @ TANYA DUGGAL AND ORSPetitioners

Versus

STATE OF HARYANARespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Rahul Arora, Advocate for the petitioners.

Mr. Gaurav Bansal, DAG, Haryana.

Mr. Nikhil Chopra, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 13th of July, 2022 and 16th of November, 2022, the following
order were passed :-

Order dated 13th of July, 2022:

“Petitioners Tanya Singh Duggal @ Tanya Duggal, Harmohan Singh and Sahibjeet Singh @ Sahib Singh, have preferred this petition to seek the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.372 dated 09.06.2022 registered at Police Station Civil Lines, Karnal, under Sections 406 and 420 IPC.

Learned counsel for the petitioners, *inter-alia*, contends that the petitioners have been got falsely implicated in the subject FIR whereas they had no concern with the alleged crime and moreover, the petitioners are not involved in any other criminal case of the similar nature and are ready to join in the investigation as and when required to do so.

Notice of motion.

Ms. Ambika Sood, learned Additional Advocate General, Haryana, who has appeared in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and she seeks time to file a detailed status-report in the present matter.

At this stage, Mr. Nikhil K. Chopra, Advocate, has put in appearance on behalf of the complainant in this case and has submitted his Power of Attorney in the Court and the same is taken on the record.

Adjourned to 20.09.2022.

There are specific allegations in the above-said FIR regarding the cash amount having been paid by the complainant to petitioner No.1 Tanya Singh Duggal and her husband Nikhil Duggal. Therefore, at this stage, this Court deems it appropriate to direct that in the event of their arrest, petitioner No.2 Harmohan Singh and petitioner No.3 Sahibjeet Singh @ Sahib Singh shall be released on interim bail subject to their furnishing the requisite personal as well as surety bonds to the satisfaction of the Arresting/Investigating Officer.

However, both the above-named petitioners No.2 and 3 shall join in the investigation as and when required/called upon to do so and shall also strictly abide by all the conditions as laid down in Section 438(2) Cr.P.C.”

Order dated 16th of November, 2022:

“Learned counsel for the petitioner submits that the petitioners have been falsely implicated in the present case. They have no role to play in the commission of alleged offences in any manner. Petitioners No.2 and 3 have already been granted concession of interim bail vide order dated 13.07.2022 passed by this Court. Out of amount of Rs.6,00,000/-, petitioner No.1 has paid amount of Rs.3,50,000/- to the complainant and the remaining amount will be paid within 03 weeks. Petitioner No.1 is ready and willing to join the investigation.

Learned State counsel submits that in pursuance of order dated 13.07.2022 passed by this Court, petitioners No.2 and 3 have joined the investigation.

Learned counsel for the complainant opposed the present petition.

Adjourned to 16.02.2023.

In the meanwhile, petitioner No.1 is directed to join the investigation and appear before the Investigating Officer within 15 days from today and on her doing so, the petitioner shall be released on interim anticipatory bail subject to her furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) of the Cr.P.C.

Petitioner No.1 is also directed that on her appearance before the Investigating Officer, she will give draft of Rs.2,00,000/- to the Investigating Officer which will be handed over to the complainant by the Investigating Officer.

It is, however, made clear that if the petitioner No.1 fails to give draft of Rs.2,00,000/- to the Investigating Officer, the interim bail order shall be deemed to have been vacated.”

2. Thereafter, on 16th of May, 2023 the petitioner(s) was directed to pay an amount of Rs.50,000/- per month, for the next six months, to the complainant i.e. Rs.3,00,000/-.

3. Ld. State Counsel on instructions from ASI Rajesh Kumar submits that the petitioners have already joined investigation and have paid an amount of Rs.3,00,000/- in view of the above order.

4. Without commenting on the merits of the case and in view of the aforesaid fact, orders dated 13th of July, 2022 and 16th of November, 2022 are made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioners.
7. The petitioners shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts made in pursuance of information supplied by the petitioners in case the occasion arises.
8. It will be open to the police or the investigating agency to move this Court for a direction under Section 439(2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
9. Petition stands disposed off accordingly.

March 06, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No