

CRM-M-32331-2024

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-32331-2024  
Reserved on: 06.08.2024  
Pronounced on: 30.08.2024

Tripta ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Onkar Singh Batalvi, Advocate  
Mr. Sourabh Kaushik, Advocate  
Mr. Ashish Gaur, Advocate and  
Mr. Daman Batala, Advocate  
for the petitioner(s).

Mr. Rajat Gautam, Addl. AG, Haryana.

Mr. Sunil Chaudhary, Advocate (Through VC)  
for the complainant.

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ANOOP CHITKARA, J.

| FIR No. | Dated      | Police Station | Sections                                                                        |
|---------|------------|----------------|---------------------------------------------------------------------------------|
| 601     | 30.11.2023 | City Bhiwani   | 409, 420, 467, 468, 471, 120-B IPC (u/s 7A, 13A of PC Act and 201 IPC later on) |

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, 1973, seeking anticipatory bail.
2. In the bail petition, the petitioner is silent about criminal antecedents.
3. The facts and allegations are being taken from the reply 16.07.2024, dated filed by the State, which reads as follows:

*“That brief facts of the case are that the present FIR No. 601 dated 30.11.2023 was launched at the instance of Dalbir Singh Phogat Resident of Bahadurgarh, Haryana. In his complaint, complainant alleged that he had open an account in post office Bhiwani through agent Leela Krishan Mehta on date 12.09.2017and he deposited a sum of Rs. 22 lakhs in his account. That his money was embezzled and misappropriated by Leela*

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*Krishan with the help of post office officials by hatching conspiracy by forging his signatures. He also alleged that money of some other persons was also misappropriated by the culprits, so, a prayer to set a criminal law in motion has been made. On the basis of this information, the instant FIR was registered against the accused persons under Sections 120B, 409, 467, 468 and 471 of Indian Penal Code (Sections 7A,13(1) of prevention of corruption Act and Section 201 IPC added later on). The true translated version of FIR is already on file as Annexure P-1.”*

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

*“8. That the present petitioner is involved in misappropriation of huge amount in crores including Rs. 22 Lakhs of present petitioner in collusion with post office officials and her family members. She was post office agent from 03.03.2015 to 21.04.24 investigation in this case is at nascent stage. A deep probe is required in this matter. The specimen signatures of the present petitioner are also required which are to be matched with the signatures appended on the withdrawal forms of the complainant. Pass books and stamps which were used in the commission of offence and the amount embezzled are also to be recovered from the present petitioner.*

*9. That in view of above facts and circumstances given above, it is clear that the present petitioner was actively involved in the commission of offence and has committed a serious offence and there is ample evidence against the petitioner and there are sanguine chances of her conviction. That the present petitioner can hamper and tamper with the investigation. She can flee from justice. As such, the present petitioner is not law abiding citizen and she is not entitled to any relief as prayed for and her petition is liable to be dismissed.”*

7. The allegations pertain to the year 2015, and the amount involved can always be recovered.

8. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible. A perusal of the reply does not point out the steps taken to arrest the accused.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar

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to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

10. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaka Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

11. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

|    |                                                                                                                                      |  |
|----|--------------------------------------------------------------------------------------------------------------------------------------|--|
| 1. | AADHAR number                                                                                                                        |  |
| 2. | Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk. |  |
| 3. | Mobile number (If available)                                                                                                         |  |
| 4. | E-Mail id (If available)                                                                                                             |  |

12. This order is subject to the petitioner’s complying with the following terms.

13. The petitioner is directed to join the investigation as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

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17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

30.08.2024  
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Whether speaking/reasoned: Yes  
Whether reportable: No.