



CRM-M-32837-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203)

CRM-M-32837-2024
Date of Decision : 23.10.2024

Sushma Sharma ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Akshay Kumar Jindal, Advocate
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Mr. Rajesh Hooda, Advocate
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. Coordinate Bench of this Court, on dated 12.07.2024, had passed the hereinafter extracted order, upon the instant petition:-

“Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case FIR No.137, dated 29.04.2024, under Sections 406, 409, 420 IPC, registered at Police Station Sector 13-17, Panipat. It has been submitted by learned counsel for the petitioner that the petitioner was not the Director of the Company as alleged in the FIR during the period from 2015 to 2019 during which the present alleged offence had occurred. He submits that the petitioner became the Director of the Company in 2020. He further submits that even otherwise for the recovery of the alleged amount of Rs.2,76,84,510/-, there is a specific provision under the Provident Fund Act itself and the same can be recovered as per the statutory provisions. He submits that no offence as alleged is made



out against the petitioner. He further submits that the petitioner is ready to join the investigation and she has no criminal antecedents and hence no case for the custodial interrogation is made out.

Notice of motion.

On asking of the Court, Mr. Sumeet Jain, Addl. A.G., Haryana appears and accepts notice on behalf of the respondent-State.

To come up on 23.10.2024.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. She shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- (i) That the petitioner shall make herself available for interrogation by a police officer as and when required to do so.*
- (ii) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the court or to any police officer.*
- (iii) That the petitioner shall not leave India without prior permission of the court.”*

2. Today, the learned State counsel on instructions imparted to him from the Investigating Officer concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and she is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 12.07.2024, is hereby made absolute, subject to the hereinafter extracted

conditions:-



“(i) the petitioner(s) shall not commit an offence similar to the present offence;
(ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
(iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

(KULDEEP TIWARI)
JUDGE

October 23, 2024
Manpreet

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