

210 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-36017-2023 (O&M)

Date of Decision: 09.01.2024

Sonam Sharma

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. ADS Jattana, Advocate &
Mr. Bakul Garg, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG Haryana.
assisted by ASI Raman Chander.

Ms. Urvashi Singh, Advocate,
for the complainant.

MAHABIR SINGH SINDHU. J.

Reply dated 09.01.2024 by way of affidavit of Sh. Mahabir Singh, HPS, Deputy Superintendent of Police-I, Yamuna Nagar, filed on behalf of respondent No.1-State is taken on record. Registry to tag the same at appropriate place.

2. Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short "Cr.P.C") for grant of pre-arrest bail to the petitioner in FIR No.188 dated 22.05.2023, under Sections 420, 406, 506 and 120-B IPC, at Police Station, Bilaspur, District Yamuna Nagar.

3. Petitioner is the wife of Rohit (co-accused), who claims himself to be a religious preacher and cures problems of the people. It is alleged that petitioner along with her husband visited the house of complainant (Dharam Singh); deceived him of Rs.42,60,000/-. Also alleged that accused gave two cheques (Rs.10 lakh each) to the complainant, but the same were dishonoured.

4. A Coordinate Bench of this Court vide order dated 27.07.2023, granted interim bail to petitioner and the same reads as under:-

“Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case only in view of the fact that he is the wife of the other co-accused namely Rohit Rojar. He submitted that the petitioner is a lady of the age of 26 years and is being harassed by the police and even otherwise also at the most it is civil dispute which has been given a criminal flavour.

Notice of motion.

Ms. Harpreet Kaur, AAG, Haryana accepts notice on behalf of the State of Haryana and prays for some time to file an affidavit.

Mr. Vivek Singla, Advocate has appeared on behalf of the complainant and has filed his power of attorney which is taken on record. He submitted that initially an amount of Rs.10,00,000/- was transferred in the name of the petitioner and thereafter some more amount was also transferred in the name of the petitioner and therefore, the petitioner was actively involved in the fraud. The complainant shall also be at liberty to file his affidavit before the next date of hearing.

Adjourned to 05.12.2023.

In the meantime, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of her arrest, she shall be released on bail by the Arresting/Investigating Officer on her furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.”

5. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, she joined investigation and her custodial interrogation is not required by the Police.

6. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Raman Chand and fairly submitted that custodial interrogation of the petitioner is not required, at this stage.

7. Although, learned counsel for complainant objected to the prayer of the petitioner, but since State is not asking for custodial interrogation, therefore, the objection of complainant stands rejected. Consequently, interim order dated dated 27.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

8. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

9. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

10. Disposed off accordingly.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

09.01.2024
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No