2024:PHHC:115035

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

210 **CRM M-40458 of 2024**
Date of Decision: 03.09.2024

Priyanka ...Petitioner

Versus

State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Navkiran Singh, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. P.S. Jammu, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023 with a prayer to grant her anticipatory bail in case FIR No. 248 dated 01.06.2024 under Sections 408, 420, 467, 468, 471 and 120-B IPC registered at Police Station Civil Lines Sirsa, District Sirsa.

2. The FIR in the present was registered on the basis of the complaint filed by Sanjeev Gupta son of Prahlad Rai Gupta and the same has been reproduced below:-

> *“ I, applicant, is a Director of HSF Food Pro Tech. Private Limited Dabwali Road, Sirsa and the said company manufacturs Rice Mill machinery.*

2. That Saket Kumar was working as accountant in applicant's company for last 15 years. He had handled all the accounts work of applicant's company and family members. He has gained confidence of the applicant by showing his working style. Applicant's company has dealings with about 40-50 companies from whom applicant takes goods on credit and payment is made time to time. Sometimes advance payment was also made as per need and Saket used to handle all this work and transactions relating to money.

3. That applicant's company has an account in ICICI Bank account No. 662205601573 and 662251200218 Branch Araj Mandi Sirsa. Before this, it was in HDFC Bank account No. 50200010319062 and in Canara Bank. Applicant's company which is a private limited and in the accounts of family members (copies attached) transactions worth Crores of rupees are going on in several accounts. Saket also operated account of the applicant's company and other saving accounts of applicants family members from his laptop and whenever any payment had to be made, he used to ask the OTP from applicant and his family members, because Saket has been working with us for last 15 years, due to which I and my family members had complete trust in Saket and without much inquiry, Saket was given OTP.

4. That on 23.5.2024, applicant asked Saket to transfer 40 Lakhs to firm Dynamic Engineering Delhi, on which Saket asked me OTP twice (for the transfer of 30 Lakhs and 10 Lakhs) and after that Saket took leave to go to Goa. When I asked Saket on phone the reason for asking OTP twice then he told that he has transferred Rs. 30

Lakhs to the firm Dynamic Engineering Delhi and Rs. 10 Lakhs to Om Stainless India, on which I became suspicious of Saket as I had not asked Saket to transfer any amount to Co. Om Stainless India. When I tried to talk to Saket about this, he did not give any clear answer and started talking about here and there.

5. That when, I doubted Saket's intentions, I asked my C.A. and I got my bank account and company's ledger book details checked from C.A. Then I was shocked as Saket along with his companions with bad intention while being on the post of accountant in HSF Food Pro Tech. Private Limited, Dabwali Road, Sirsa, took the administrators of the company into confidence and by committing fraud, forged the bank statement, ledger book and passed it off as real to officials of the company and embezzled an amount of Rs. 33 Crores approximately by using electronic equipments to gain undue benefit for himself and causing loss to the officials / family members of the above said company. Due to bad intentions, Saket made fraudulent payments from the company of the applicant and accounts of the family members of the applicant, which the applicant's company had to make to other companies, by filling the name of that company (to which payment is to be made) in the column of beneficiary in the ICICI Bank application and fill underneath his account No. 1403101078398 of Canara Bank or account No. 912010020751044 of Axis Bank or account No. 50100324872974 of HDFC Bank or account No. 31590225690 of S.B.I. and used to deposit in his family relatives and companions bank accounts and

> *dishonestly used to transfer this payment in his and his family members bank accounts by taking OTP from me and my family members. Saket is a very clever person and had knowledge about every kind of online transfer.*
> *6. That in all this embezzlement, Saket in a pre-planned manner along with his family, relatives and companions had carried out his plan and committed offence under Sections 408/420/467/468/471/120-B IPC and Sections 66, 66(D) of Information Technology Act, 2000. After registering a case against the above said accused, strict action be taken against him and embezzled amount be recovered".*

3. Learned counsel for the petitioner contends that in the present case, the allegations have been primarily levelled against Saket, real brother of the petitioner and no role has been attributed to the petitioner. He further contends that the Superintendent of Police, Sirsa, had constituted a special investigation team and Saket brother of the petitioner has already been arrested by the police on 15.06.2024. He further contends that the petitioner is real married sister of Saket, main accused. In fact, she was married in February 2014 and is having two minor school going children. She had no concern or connection with the job of her brother Saket. He further contends that the petitioner had no concern or connection with the company of the complainant and no money was ever entrusted by the complainant to the petitioner in any capacity. Learned counsel has further referred to chart (Annexure P-2) to contend that Saket, brother of the petitioner had transferred a sum of Rs. 4.50 lacs in the account

of the petitioner in the last 07 years. However, there are credit as well as debit entries, which clearly proved that the petitioner had not taken any money from her brother Saket. Learned counsel further contends that since the petitioner had no concern with the allegations levelled by the complainant, her custodial interrogation may not be required in the present case.

4. On the other hand, learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the real sister of Saket, main accused and she had financial transactions with Saket and her involvement was proved.

5. I have heard learned counsel for the parties and perused the record.

6. In the present case, it has been alleged that Saket, main accused had embezzled an amount of Rs. 33 crores of the complainant side and as per the debit/credit entries between Saket and the petitioner, an amount of Rs. 4.50 lacs was transferred in the account of the petitioner in the last 07 years. Thus, it can never be stated that the petitioner was the beneficiary of any misappropriated amount, which was transferred by the complainant side to Saket. Even, otherwise, the investigation against the petitioner is at an advance stage and her custodial interrogation may not be required.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted

concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

03.09.2024 **(N.S.SHEKHAWAT)**
amit rana **JUDGE**

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