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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41914-2024
Date of decision:-10.12.2024

JAYANTI RAUTELA
... Petitioner
Versus
STATE OF HARYANA
... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sanjay Kaushal, Sr. Advocate, with
Mr. Sube S. Kaushik, Advocate for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.
Mr. Babbar Bhan, Advocate for the complainant.

SANJIV BERRY, J.(ORAL)

Learned State counsel has filed custody certificate dated 07.12.2024 the same is taken on record, copy thereof, has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of Code of Criminal Procedure, for grant of regular bail in the following case (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
0204	07.05.2024	120-B, 406, 420 and 506 IPC	Bhiwani City, District Bhiwani

3. Arguments heard.

4. It is *inter alia* contended by learned Senior counsel assisted by Mr. Sube S. Kaushik, Advocate, appearing on behalf of the petitioner that the petitioner is an innocent lady having no criminal antecedents but has been falsely implicated in this case without there being any criminal act committed by her. He submits that although the petitioner happens to be a



husband Harender Singh Rautela to do all acts and deeds pertaining to the Company on her behalf vide resolution dated 21.02.2022 (Annexure P-2), much before the execution of Agreement dated 11.04.2023 (Annexure P-3) in question by her husband with the complainant. He contends that the petitioner has no concern with the agreement (Annexure P-3) nor is she the signatory thereof, but has been implicated in the present case only because of her being the Director of the Company. He contends that as per the status report, although it is alleged that there are 4 more cases registered against the petitioner, he contends that so far as the 2 cases registered in Rajasthan are concerned the petitioner has already been granted concession of bail by the High Court of Rajasthan, where as she has not been summoned for the other 2 cases. He contends that the challan has already been presented in Court, after completion of investigation and the conclusion thereof, will take sufficient long time, hence prayed for grant of concession of bail.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant has opposed the bail petition by referring to the reply submitted by the State and have contended that the petitioner along with her husband being Director of the aforesaid Company have defrauded the complainant of huge amount and embezzled the same, as such, the petitioner is not entitled to the concession of bail. However, they have not disputed that investigation has been completed and challan has been presented in Court.

6. After considering the rival contentions and perusing the record, it transpires that as per allegations levelled by the complainant, the Company in which petitioner and her husband Harender Singh Rautela had been the Director had executed agreement dated 11.04.2023 (Annexure P-3) and on that basis the complainant had invested a huge amount but was later



7. As has been argued by learned counsel for the petitioner, the petitioner admittedly is Director in the Company but vide resolution dated 21.02.2022 (Annexure P-2) she had already authorized her husband Harender Singh Rautela to act on behalf of the Company. Meaning thereby she was a non active Director of the Company. Moreover, the agreement in dispute dated 11.04.2023 (Annexure P-3) that is much after such authorization (Annexure P-2) given by the petitioner to her husband. The petitioner is not a signatory to the agreement in dispute. Except the disclosure statement of the petitioner there is nothing substantive brought on record which could connect the petitioner with the alleged offence. After conclusion of investigation, challan has already been presented in the present case, the conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case triable by the Court of Magistrate will take sufficient long time.

8. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

9. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

10.12.2024

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I attest to the accuracy and
integrity of this document

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No