

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222 CRM-M-50480-2023
Date of Decision:09.01.2024

NEHA SHARMAPetitioner

Vs.

STATE OF HARYANARespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Munish Dev Sharma, Advocate
for the petitioner.

Mr.Sumit Jain, Additional AG, Haryana
assisted by SI Subhash Chander

DEEPAK GUPTA, J.(ORAL)

On 06.10.2023, following order was passed:

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in:-

<i>FIR No.</i>	<i>Dated</i>	<i>Police Station</i>	<i>Sections</i>
<i>0190</i>	<i>23.09.2023</i>	<i>Dhand, District Kaithal</i>	<i>Section 24 of the Emigration Act, 1983 and Sections 406 and 420, IPC</i>

Counsel for the petitioner submits that FIR, Annexure P-1, has been lodged on the allegation that the complainant made a payment of Rs.2 lacs, in cash, to Sandeep Singh and transferred an amount of Rs.38,40,500/- to the bank account of Sanjeev Sharma, husband of the petitioner, as he had assured that complainant’s son would be sent to USA. Counsel submits that there is no allegation of entrustment to the petitioner and the marriage between the petitioner and Sanjeev Sharma stood dissolved by judgment and decree dated 17.08.2015, Annexure P-3, which has become final. Still further, it is his categoric

assertion that although a lady, Mamta, has been named in the FIR, but the said person is not the petitioner.

Notice of motion.

On asking of the Court, Mr. Ramender Singh Chauhan, AAG, Haryana accepts notice on behalf of the State-respondent. Upon instructions received from ASI, Rajinder, he submits that the petitioner is involved in four other criminal cases.

List on 19.12.2023.

Petitioner is directed to join the investigation on 18.10.2023 at 10:00 A.M. at Police Station Dhand, District Kaithal and co-operate with the Investigating Agency. In the event of arrest, she shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. She shall also abide by the conditions as specified under Section 438 (2) Cr.P.C ”

Today learned State counsel, on instructions from SI Subhash Chander, submits that petitioner has since joined the investigation and is not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 06.10.2023 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

09.01.2024

pry

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No