



CRM-M-31615-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-31615-2025
Date of Decision: 15.07.2025

Priti ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Arjun Sheoran, Advocate
Mr. Rohan Gupta, Advocate and
Ms. Shivangi Chauhan, Advocate
for the petitioner.

Mr. Naveen K. Sheoran, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
470	16.12.2024	Hisar Civil Lines, District Hisar	316(5), 318(4) BNS

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 24 of the bail petition, the accused declares that she has no criminal antecedents.
3. The facts and allegations are being taken from the short reply filed by the State, which reads as follows:

"2. That the brief facts of the case are that on 16.12.2024, a complaint No.883-P dated 12.12.2024, was received after preliminary inquiry from the Office of Superintendent of Police, Hisar in the Police Station. The complaint was moved by District Programme Manager, Haryana State Rural Livelihood Mission, Hisar. It was alleged that Priti wife of Om Parkash employed on contract basis under HKRN as BCC had embezzled an amount of Rs. 2 lacs from the account of 'Safal Mahila Cluster level Federation' in her own account. She had got the amount deposited in her personal Bank account which was CIF amount meant for "Azadi Mahila Gram Sangthan", Kirtan. It Is further submitted that the preliminary inquiry



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in the complaint was conducted by ASI Sunil Kumar and then by ASI Rampal, Incharge, Police Post, Court Complex, Hisar. During investigation, a copy of joint statement of all the office bearers of CLF was obtained from the office of HSRLM. They alleged that they were the office bearers of Safal CLF, Hisar Block. Smt. Priti BCC employed in Hisar Block-II had embezzled the money from CFL. A meeting had been convened by Priti on 03.07.2024 at village Nyoli Kalan where she met Smt. Poonam, Secretary, Safal CLF and obtained a signed cheque from her by way of fraudulent means on the pretext that the amount of Rs.2 lacs had to be transferred to the account of Azadi Mahila Gram Sangthan", Kirtan. The cheque had been delivered to her taking her to be the official of the block. 15 days later, they came to know that the amount had not been deposited in the account of Azadi Mahila Gram Sangthan", Kirtan. The said amount had been got deposited by Smt. Priti in her own personal account No.80200100117778, Sarv Haryana Gramin Bank, Branch Siwani, District Bhiwani. Copy of Bank Account statement of the petitioner is attached herewith as Annexure R-1."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and refers to the short reply.

REASONING:

6. The amount attributed to the petitioner was Rs.2 lacs (without conceding and admitting) which was transferred by petitioner from the account of government to her personal account and after 12 days, she deposited the said amount back in the government account, as such petitioner is entitled to bail. Counsel for the petitioner submits that the petitioner has cooperated in the investigation.

7. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations, amount already returned and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.



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9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

14. This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.



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15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

15.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.