



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

CRM-M-14354-2024

Date of decision: 22.01.2025

ASHWINI KALRA ALIAS ASHWINI

....PETITIONER

Versus

STATE OF HARYANA

...RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Brijesh Kumar Gupta, Advocate and
Mr. Ashok Kumar, Advocate for
Mr. Ravi Kumar Girdhwal, Advocate
for the petitioner.

Mr. Surender Singh, AAG, Haryana.

Mr. Yogesh Goel, Advocate;
Mr. Eashan Bhardwaj, Advocate and
Mr. Chirag Vaid, Advocate
for the complainant.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of Cr.P.C.,
petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
261	18.12.2023	420, 424, 467, 468, 471 of IPC	Sadar Bahadurgarh, District Jhajjar.

2. Learned counsel for the petitioner submits that in compliance to the order dated 20.03.2024 passed by this Court, the petitioner has already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 20.03.2024.

4. Learned State counsel, on instructions from ASI Dharamender, intimates the Court that the petitioner has joined



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investigation and is neither required for further investigation nor for any custodial interrogation.

5. Learned counsel for the complainant opposed the bail application of the petitioner by arguing that the petitioner had fabricated the no objection certificate and has cheated the petitioner, as such, he does not deserve concession of bail.

6. During the course of hearing on 20.03.2024, following order was passed:

“Learned counsel for the petitioner contends that on the same set of allegations, the complainant has already instituted a civil suit (Annexure P-12) and after ad interim injunction was refused by the learned Civil Judge (Junior Division), Bahadurgarh, FIR (supra) was lodged. The entire case of the prosecution is based upon the documentary evidence, which is already in the possession of the investigating agency. The petitioner had joined the investigation after interim order was passed by the learned Sessions Judge, Jhajjar, however, his anticipatory bail was rejected on the ground that printer and the laptop is required to be recovered on which one false and fabricated NOC pertaining to the year 2005 was created. The petitioner is 62 years of age and he is not involved in any other case. It is also contended that no legal document with regard to title of the property in dispute exists in favour of the complainant.

Notice of motion.

On the asking of the Court, Ms. Geeta Sharma, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.



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At this stage, Mr. Om Parkash Kukreja, Advocate has put in appearance on behalf of the complainant and files his memorandum of appearance and undertakes to file his vakalatnama in the registry during the course of the day. He vehemently opposes grant of anticipatory bail to the petitioner on the ground that in the year 2012, the petitioner has transferred the entire business and has taken an amount of about Rs.2 crores for that purpose and as such, he does not deserve the concession of anticipatory bail.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, petitioner is directed to appear before the Investigating Officer on or before 28.03.2024 and on his doing so or in the event of arrest, petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 20.04.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and

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the trial Court shall proceed without being prejudiced by observations of this Court.”

7. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 20.03.2024, passed by this Court, interim bail granted vide order dated 20.03.2024 is hereby confirmed, subject to conditions as envisaged under Section 482 (2) of BNSS, 2023. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

8. The petition stands allowed.

9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

22.01.2025

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