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

**CRM-M-12921-2015**
**Date of decision: 25.05.2015**

**Rinku Rani**

**... Petitioner**

**Vs.**

**State of Haryana**

**... Respondent**

**CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK**

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

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**RAMESHWAR SINGH MALIK, J. (ORAL)**

Petitioner seeks pre-arrest bail in FIR No.745 dated 11.12.2014 under Section 406 IPC, registered at Police Station Sadar, District Fatehabad.

Notice of motion was issued and interim protection was granted. Thereafter, another opportunity was granted to the petitioner to join the investigation on 19.05.2015. It was further directed by this Court vide order dated 15.05.2015 that either the petitioner shall deliver the milled rice or to make payment in lieu thereof, by way of bank draft to other concerned authority. However, learned counsel for the petitioner, on instructions from husband of the petitioner, who is present in the Court submits that petitioner can deposit only an amount of Rs.50 lacs within a period of two weeks from today and petitioner is unable to pay the entire amount which, as per the statement made by learned counsel for the State comes to about Rs.4 crores.

On the other hand, learned counsel for the State submits that petitioner has been trying to misuse the process of law and also the interim protection granted by this Court vide order dated 24.04.2015. He further submits that petitioner is trying to back out from the undertaking given before this Court. He also submits that the agreement dated 11.10.2013, entered into between the parties, goes against the petitioner in this regard because of the default in supplying the milled rice, petitioner has become liable to pay the cost of rice at one and a half time of rates fixed by the Govt. of India along with interest and the amount comes to Rs.3.98 crores, however, learned counsel for the petitioner submits that this amount comes to Rs.3,97,35286/-. Learned counsel for the State prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that since the petitioner is trying to misuse the process of law including the orders passed by this Court, she is not entitled for the discretionary relief of anticipatory bail, at the hands of this Court. It is so said because as per the agreement dated 11.10.2013, petitioner has become liable to pay the amount of about Rs.4 crores. The relevant clause of the agreement, reads as under: -

> *"In the event of failure of the rice miller in delivery of due CMR against the paddy issued to him, the miller shall be liable to pay the cost of such short quantity of rice at one and a half time of the rates of CMR fixed by the Govt. of India, along with interest @ CCL pattern. However, the decision of the Director/Managing Director in this behalf shall be final."*

Despite knowing fully well about the abovesaid clause, petitioner did not place on record copy of the agreement so as to withheld the material information from this Court. Further, the interim protection was granted to the petitioner because of the undertaking given on her behalf that the petitioner was ready to make the payment in lieu of non-supply of milled rice. Such an undertaking would be understood to have been given on her behalf of petitioner knowing fully well of the abovesaid agreement.

After granting the interim protection by this Court, vide order dated 24.04.2015, petitioner never made any effort on her behalf to show her bonafide to abide by the undertaking given on her behalf before this Court on 24.04.2015. Non-supply of the milled rice as well as non-payment of the amount in lieu thereof, is not denied on behalf of the petitioner. Such kind of non-supply of milled rice as well as non-payment of amount in lieu thereof becomes a vicious circle. Having said that, this Court feels no hesitation to conclude that the petitioner has been trying to misuse the process of law and never shown her bonafide to discharge even the admitted financial liability which is a huge amount of about Rs.4 crores. However, learned counsel for the petitioner, at this stage, tries to clarify the admitted financial liability of the petitioner that it was not about Rs.4 crores but was Rs.2.57 crores. However, he could not show any basis of this calculation.

In view of the above and without commenting anything further in this regard, lest it should prejudice the rights of the either of the parties, petitioner has not been found entitled for the concession of anticipatory bail.

Dismissed.

**[ RAMESHWAR SINGH MALIK ]**
25.05.2015 **JUDGE**
*vishnu*