

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

CRM-M-1902-2015 (O&M)

Date of decision: October 07, 2015

Kiran Kumari Bhanot

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. P.S. Hundal, Senior Advocate with
Mr. Dinesh Trehan, Advocate for the petitioner.
Mr. Shilesh Gupta, Addl. Advocate General, Punjab.
Ms. G.K. Mann, Advocate for the complainant.

Rajan Gupta, J.(oral)

This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail in a case registered against the petitioner under Section 420 IPC at Police Station City, Phagwara, District Kapurthala, vide FIR No.126 dated 22.10.2014.

Learned counsel for the petitioner has submitted that petitioner has nothing to do with the alleged offences and he has been implicated falsely in the present case. Neither agreement to sell was executed by the petitioner nor she received the alleged amount of Rs.45.00 lacs from the complainant. In fact, husband of petitioner took a loan from the complainant and some amount is still due towards him. The FIR has been registered by the complainant against the petitioner with ulterior motive.

Prayer has been opposed by learned State counsel as well as learned counsel appearing for the complainant on the ground that allegations against the petitioner are serious and thus, she does not deserve the concession of pre-arrest bail, as petitioner has cheated the complainant of a heavy amount. Learned counsel appearing for the complainant has submitted that petitioner being proprietor of M/s Arjun Mall Retail Holding Pvt. Ltd. also filed CWP No.18395 of 2014 for directing the bank to disburse part of the term loan sanctioned for the purpose of Hotel Industry and the said writ petition has already been dismissed by the Division Bench of this court vide order dated September 10, 2014. She has further submitted that two other cases have also been registered against the petitioner i.e. :-

- (i) FIR No.99 dated 19.9.2014, under sections 406, 420, 467, 468, 471, 472, 473 and 120-B IPC registered at Police Station Division No.8 (Kailash Chowk), Ludhiana.
- (ii) FIR No.348 dated 6.10.2014, under sections 420, 465, 467, 468, 471, 120-B IPC at Police Station Kotwali, Bathinda.

I have heard learned counsel for the parties and given careful thought to the facts of the case.

FIR was lodged by Gurpreet Singh Ghag alleging that on 28.10.2011, petitioner sold 02 Kanals 06 Marlas of land to him for consideration of Rs.45.00 lacs. Petitioner after receiving the entire amount, executed an agreement acknowledging receipt of the amount for the aforesaid land and possession of the land was also delivered to him.

Later on, he came to know that the said land was already mortgaged with Punjab and Sind Bank, Ramgarhia College, Phagwara as per note given on the Jamabandi.

Keeping in view nature of allegations, petitioner is not entitled to concession of pre-arrest bail. She has committed a breach of trust and cheated the complainant of a huge amount. Moreover, two other FIRs of similar nature, as indicated above, have also been registered against her. Therefore, her custodial interrogation may be necessary for taking the investigation to its logical end. Petition is without any merit and is hereby dismissed.

(RAJAN GUPTA)
JUDGE

October 07, 2015
'Rajpal'