IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-19368 of 2015
Date of Decision : 15.06.2015

Veena Talwar

.... Petitioner

Versus

State of Haryana

...... Respondent

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CORAM: **HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present Mr. Sanjeev Manrai, Sr. Advocate
with Mr. Dinesh Chander Trehan, Advocate,
Ms. Asha Tyagi, Advocate
for the petitioner.

Mr. Raj Kumar Makkad, DAG, Haryana.

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RAMENDRA JAIN, J.

The present petition has been filed for grant of anticipatory bail by invoking the provisions of Section 438 of Code of Criminal Procedure, in case FIR No. 85 dated 24.03.2015, under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, registered at Police Station Susant Lok, Gurgaon.

Brief facts of the case are that one M/s Radhika Power Ventures Pvt. Ltd had obtained various credit facilities from the complainant bank i.e. Bank of Maharashtra, Gurgaon. In the year August 2013, it applies for enhancement of credit facility to the tune of Rs. 4 crores 90 lacs, which was accepted by the bank against the mortgage of certain properties of its directors. The details of the properties owned by accused no.1 to 5 i.e. directors of the borrower company are as under:-

1. Commercial land and building part of khewat 325/ 299 khatauni 428 killa no- 24/11/2/1 (measuring 1 Kanal 12 marlas situated in the Sapla District, Rohtak Haryana) in the name of the borrower company itself.
2. House No. 718 (measuring 210 Sq meters situated in Sector 1 HUDA Rohtak, Haryana in the name of Director Harish Kumar Saini.
3. Shop No. 1049/16 situated in Ward No. 4, opposite hotel highway king GT Road Mehem, Rohtak, Haryana in the name of Director Jai Bhagwan Saini.
4. Plot No. 1 (measuring 180 Sq Yard) situated in Khewat No. 341 khata no. 413, Mustil and Kila No. 25/3 (8-0) 4/1 (1-0) situated in Mauza Para Shashtri Nagar Ladot Road Rohtak, Haryana in the name of Vinod Kumar Saini and
5. Plot No. R-6, Block-R part of killa No. 4/25/4 near Royal OAK Public School new palam vihar Gurgaon, Haryana in the name of petitioner Veena Talwar.

However, when the company could not adhere to the financial discipline of the bank, the bank served a demand notice dated 02.06.2014 to the borrower company and its directors. In response thereto the petitioner raised her objection that she never mortgaged her aforesaid plot R-6, Block-R part of Killa No. 4/25/4 near Royal OAK Public School new Palam Vihar Gurgaon, Haryana with the bank. Where upon, the bank inquired into the matter and found that instead of original title deeds, their coloured photo copies were lying in their record along with her undertaking. The above said fraud was committed by the petitioner in connivance with the other directors of the borrower company. Accordingly, the bank lodged an FIR against the borrower company and its directors.

Learned counsel for the petitioner contended that she never remained director of the company. Drawing attention to the various mortgage documents, he contended that the same are not signed by the petitioner which proves their falsity. She had also filed a complaint against the concerned manager VD Kolhatkar and Varinder Kaur, Sanjay Hiremath that they had procured her signatures on some bank documents by inducement through her son. So, she does not require for any custodial interrogation.

On the other hand, learned State counsel submitted that it is a big fraud committed in a preplanned manner by the petitioner in connivance with the other directors of the borrower company i.e. M/s Radhika Power Venture Pvt. Ltd. From Annexure P-11, it is manifestly clear on the record that the petitioner had personally attended, visited the premises of the bank and had handed over her original title deeds after selling her property two days prior to its mortgage with the bank and in this way committed cheating.

After giving the thoughtful consideration to the submissions made by both the sides and I am not inclined to grant anticipatory bail to the petitioner, because there are serious allegations against her that she had sold her mortgage property two days earlier on 21.08.2013 prior to mortgaging the same with the bank on 23.08.2013. Various documents of loan *prima facie* show that she has signed the same in favour of the bank and hence she can not be permitted to wriggle out of her liability at this stage, because serious allegations of fraud have been levelled against her.

Accordingly, the present petition is hereby dismissed.

(RAMENDRA JAIN)
JUDGE

June 15, 2015
S.khan