IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M No.20746 of 2015.
Date of Decision: July 15, 2015.

Santosh @ Chhindo @ Shindoo ....Petitioner.

VERSUS

State of Punjab ....Respondent.

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CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. M.S. Dhammi, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

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SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.59 dated 02.06.2015 under Sections 420 and 406 of the Indian Penal Code (in short, "I.P.C.") registered at Police Station Rahon, District SBS Nagar.

The accusation against the petitioner is that in the year 2012 alluring complainant Satnam Kaur of sending her son to America as she was constructing a temple there and required a person for service in the temple, she had taken Rs.4 lacs from the complainant. She demanded more money and took Rs.3,50,000/- in 2013 but did nothing and kept postponing the

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matter on one pretext or the other. She then also refused to return the money and threatened the complainant to get her eliminated.

Heard the submissions made by Mr. M.S. Dhammi, learned counsel representing the petitioner and Mr. Ashish Sanghi, learned Deputy Advocate General, representing the State of Punjab.

Learned counsel for the petitioner submitted that the story presented by the complainant is completely improbable and unbelievable. It does not appear plausible that the complainant had paid Rs.4 lacs in the year 2012 and then Rs.3,50,000/- in the year 2013, that also without any receipt, and after a delay of more than one year had come realized that she had been defrauded by the petitioner. Learned counsel contended that the petitioner is an old lady having no criminal background and it was wrongly observed by learned Additional Sessions Judge in his order dated 21.06.2015 that she was a habitual offender. Since nothing is to be recovered from her, she be given the benefit of anticipatory bail.

Opposing the petition, learned Deputy Advocate General, Punjab on instructions from Assistant Sub Inspector Inderjit Singh submitted that multiple cases of similar nature stand registered against the petitioner. There were two other criminal cases also. In three cases she has been convicted whereas in two she has been acquitted.

At this stage, there appears to be no reason to doubt the genuineness of the prosecution story. Prima facie the petitioner cheated the complainant of a huge amount of Rs.7,50,000/- and the said amount is yet to be recovered. The petitioner is already three times convict. The facts and

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circumstances of the case indicate that a thorough investigation into the entire matter is required for which undoubtedly custodial interrogation of the petitioner is necessary.

Thus, considering the aforesaid facts and without going into merits, in my considered opinion, no case for release of the petitioner on anticipatory bail is made out and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

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