

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

CRM M-41358 of 2014

Date of Decision : May 01, 2015

Sukhbir Kaur

.....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE T.P.S. MANN

Present : Mr. Sandeep S. Majithia, Advocate
for the petitioner.

Mr. Vikram Bishnoi, Asstt. A.G., Punjab.

T.P.S. MANN, J. (Oral)

This is the second petition filed by the petitioner for the grant of anticipatory bail, the first one filed by her having been dismissed on 30.7.2014.

The case of the prosecution, in nutshell, is that in the month of January, 2013, the petitioner, alongwith her husband Satinderpal Singh @ Ladi, contacted the complainant and lured him to invest some money with them which they would return after doubling the same within two months. They also told the complainant that they would purchase gold for him at a cheaper rate. The complainant fell in the trap and after borrowing money from his relatives and friends, gave various sums of money to them at different times, totaling Rs. 1,00,00,000/-. Out of the said amount, Rs.12,00,000/- was given by the complainant to the petitioner after borrowing it from Harpreet Singh son of Surjit Singh and

Rs.8,00,000/- was given to the petitioner and her husband by Kashmir Singh and Sukhraj Singh while in the presence of the complainant and Iqbal Singh. Though the petitioner and her husband promised to return the amount by 5.12.2012, yet they did not stick to the promise. When the complainant alongwith others went to their house, they made them sit in the drawing room and fled from their house in a car.

When the earlier petition had come up for hearing on 7.5.2014, learned counsel for the complainant had submitted that it was the petitioner, who had received the aforementioned amount of Rs.12,00,000/- and Rs.8,00,000/-. However, learned counsel for the petitioner after drawing the attention of the Court to the copy of the agreement to sell dated 23.1.2014 submitted that two days after the registration of the FIR, the husband of the petitioner sold his land alongwith the residential house in favour of the complainant (80% share) and Iqbal Singh and Tarsem Singh (10% share) for a total consideration of Rs. 1,50,00,000/- which agreement bore the signature of the complainant. On the adjourned date, learned counsel for the petitioner prayed for a short adjournment for obtaining instructions about paying of Rs. 20,00,000/- to the complainant. Accordingly, the hearing was adjourned and interim order was made to continue. Finally, the said petition came up for hearing on 30.7.2014 when learned counsel for the petitioner stated that the petitioner was not in a position to pay the aforementioned amount to

the complainant. After hearing learned counsel for the parties and taking into consideration the fact that the petitioner had in all received an amount of Rs. 20,00,000/- from the complainant which amount she wanted to return to the complainant but failed to do so, this Court declined to extend the concession of interim bail any further and, accordingly, dismissed the petition.

In the present petition, learned counsel for the petitioner has submitted that the petitioner is only a housewife and has no concern with the money dealings of her husband. Her name has been dragged in the FIR so as to create added pressure upon her husband. It is also submitted that the husband of the petitioner has since been granted the concession of bail. Pleading that no useful purpose would be served by the arrest of the petitioner, learned counsel representing her, has prayed for granting the concession of anticipatory bail to her.

Learned State counsel has vehemently opposed the prayer made on behalf of the petitioner.

From a perusal of the FIR, it is apparent that the petitioner alongwith her husband had cheated the complainant of a sum of Rs. 1,00,00,000/-. The said amount was received by them after the complainant had borrowed it from his friends and relatives. Two of the specific amounts i.e. Rs. 12,00,000/- and Rs.8,00,000/- were said to have been received by the petitioner from the complainant. Merely because the petitioner is a housewife and had

no concern with the money dealings of her husband is no ground to grant her the concession of anticipatory bail as her involvement has been specifically mentioned in the FIR. From the photocopy of the order dated 13.4.2015 passed by the Additional Chief Judicial Magistrate, Amritsar, it is made out that the husband of the petitioner has been granted the concession of bail under Section 167(2) Cr.P.C. as the Investigating Agency could not present the challan within the stipulated period of 60 days. In such a situation, no benefit of the same can be extended to the petitioner.

In view of the above, no case is made out for the grant of anticipatory bail to the petitioner.

The petition is, therefore, dismissed.

(T.P.S. MANN)
JUDGE

May 01, 2015
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