

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-42269 of 2014

Date of Decision: 17.3.2015

Suman Lata

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: Hon'ble Mr. Justice Darshan Singh.

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner(s).

Mr. Neeraj Yadav, Assistant Advocate
General, Punjab for the respondent.

Darshan Singh, J.

1. The present petition has been filed by petitioner-Suman Lata under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "Cr.P.C.") for grant of anticipatory bail in case FIR 154 dated 10.11.2013, registered under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code, 1860 (hereinafter referred to as "IPC") at Police Station Division No. 6, Ludhiana.

2. The brief facts of the prosecution case are that the petitioner and her husband Pawan Kumar Kaushal were residing as tenants in the house of complainant-Lalita Bhandari widow of Kewal Krishan. They cheated the complainant to the tune of ₹ 8,00,000/- on the pretext of getting purchased the plots from their relative, namely Pritam Singh son of Gurdial Singh, who was lateron found to be a fake person. The application for grant of anticipatory bail, filed by the petitioner, has been dismissed by the learned Additional Sessions Judge, Ludhiana vide

order dated 23.5.2014. Hence, this petition.

3. Learned counsel for the petitioner contended that the husband of petitioner, namely Pawan Kumar Kaushal was arrested in this case on 11.11.2013 and since then he is in custody. The petitioner was not a signatory to the agreement to sell. There is also no evidence that she had received money from the complainant. No recovery is to be effected from her possession. She is ready to join the investigation. Hence, she is entitled for the anticipatory bail.

4. On the other hand, learned State counsel contended that there are specific allegations against the petitioner. She, in conspiracy with her husband, had cheated a widow lady and extorted a sum of ₹ 8,00,000/-. Not even a single penny has been returned. Therefore, she does not deserve the concession of anticipatory bail.

5. I have duly considered the aforesaid contentions.

6. The Hon'ble Supreme Court in case ***Jai Prakash Singh v. State of Bihar and Another etc. 2012(2) R.C.R. (Criminal) 251*** has laid down that anticipatory bail, being an extraordinary privilege, should be granted only in the exceptional cases.

7. In the instant case, in the complaint lodged by the complainant-Lalita Bhandari, there are specific allegations against the petitioner. She along with her husband misrepresented the complainant that their relative Pritam Singh is having the plots which they had seen and he wanted to sell the same. It is further the specific allegation that the petitioner along with her husband carried the complainant with them and showed her two plots having good market value and assured that

they will get sold those plots to her at the cheaper rate and got agreed the complainant for the purchase of the plots. Thereafter, on 25.5.2013, they brought an agreement to sell purported to have been executed by said Pritam Singh for the sale of two plots for a sum of ₹ 10,50,000/- and they received ₹ 8,00,000/- as earnest money. Lateron, it was found that there was no person by the name of Pritam Singh. The husband of the petitioner issued two cheques for the return of the money received by them from the complainant. But it was found that sufficient funds were not available in his accounts. In this manner, there are specific allegations that the petitioner along with her husband had cheated a widow old lady and extorted a sum of ₹ 8,00,000/-. So the petitioner has not been able to make out the exceptional case to claim the extraordinary privilege of the anticipatory bail. Mere this fact that the husband of the petitioner has already been arrested and he is in custody since 11.11.2013 and the report under Section 173 Cr.P.C. has been presented against him in the Court, cannot make the petitioner entitled for the grant of anticipatory bail.

8. Thus, keeping in view my aforesaid discussion, this petition has no merits and the same is hereby dismissed.

(Darshan Singh)
Judge

March 17, 2015

“DK”