

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

CRM-M No.12627 of 2016
Date of decision: 29th August, 2016

Harmandeep Kaur

... Petitioner

Versus

UT Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Ms. Satwant Mehta, Advocate for the petitioner.

Mr. Anil K. Lamdharia, APP UT Chandigarh
for respondent No.1.

Mr. Ajaivir Singh, Advocate for the complainant.

FATEH DEEP SINGH, J.

Allegations against the petitioner Harmandeep Kaur in this anticipatory bail application under Section 438 Cr.P.C. are that it was at the behest of the accused petitioner who happens to be Secretary of one Mr. Tejinder Singh, Director of MEDEL, Delhi Office she procured from the complainant Ravi Oberai, Director of B.R. World Travels, air tickets on credit in all numbering 98 on behalf of M/s MEDEL Principal Company which is based in United Kingdom and subsequently neither paid the charges and rather denied having ever been instrumental in booking these air tickets on behalf of the co-accused non-applicant

Andrew Neale and thus, in all committed a financial fraud of Rs.1.68 crores.

Learned counsel for the petitioner Ms.Satwant Mehta, Advocate has sought to argue that the petitioner has no role to play in commission of the offence as neither her Director Mr.Tejinder Singh has been arrayed as an accused nor she was instrumental in getting the tickets booked and it was only a fake ID used by someone else and that she being a lady has no role to play in commission of the offence.

Learned State counsel has vehemently opposed grant of bail on the grounds that the petitioner is the fulcrum with the aid of whom the fraud has been committed as she had not only confirmed the ticketing request through e-mail but as well as telephonically and thus, her custodial interrogation was essential and that without having recourse to the courts below have come up directly before this Court under Section 438 Cr.P.C.

Appreciating the submissions, the prima facie allegations reflect that it was at the behest of the petitioner through her e-mail request the complainant had acceded in making the booking and paying the amount to the airlines which was to be subsequently paid by the petitioner's Company in question through e-banking. The allegations against the petitioner are of heinous nature and her custodial interrogation is essential to unearth the entire gamut of nexus which has international ramifications and to further lead to trail of co-accused.

More so, provisions of Section 438 Cr.P.C. are to be sparingly used. The fact that the petitioner has directly come up before this Court is certainly to the mind of this Court against the judicial discipline and principle of hierarchy in the administration of justice when she ought to have exercised these powers before the Court of Sessions. In the light of the same as a cumulative effect of all this, finding no merit the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

August 29, 2016

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No