

CRM-M-20780-2015 (O&M)

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

**CRM-M-20780-2015 (O&M).
Decided on: January 14, 2016.**

Krishna Kumari

..... Petitioner(s)

Versus

State of Union Territory, Chandigarh

..... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Pawan Kumar, Sr. Advocate, with
Mr.Abhimanyu Batra, Advocate,
for the petitioner.**

**Mr.Deepinder Brar, APP, for UT, Chandigarh with
S.I. Harjinder Singh.**

M.M.S. BEDI, J (ORAL).

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Krishna Ahuja alleging that she along with other members of Kitty/Committee being run by the petitioner have been cheated of the money contributed by all the members. It is alleged in the FIR that the members of the said Kitty had been contributing different amounts in different groups and that the amount has been illegally misappropriated by the petitioner amounting to Rs.1 lac.

Learned counsel for the petitioner has vehemently contended that as a matter of fact some members who have received the amount on the basis of auction conducted in previous months

CRM-M-20780-2015 (O&M)

have stopped paying their contribution as a result of which the petitioner had submitted a complaint of assault and fraud on 20.2.2014. The present FIR has been registered as a counter blast on 25.2.2015.

Learned counsel for the petitioner further submits that the petitioner has neither got any intention to cheat nor she has committed any fraud with any of the members of the Committee.

Learned counsel for the petitioner also urged that the petitioner herself has been cheated and that no offence is made out against her.

I have heard learned counsel for the petitioner as well as State counsel and with the assistance of Investigating Officer have gone through the police file wherein the statements of Ravi Parksah, Ranjana, Des Rani and 6-7 other persons have been recorded to the effect that they have made contributions to the Kitty amount every month but their amount has not been returned on account of cheating committed by the petitioner.

A perusal of the police file indicates that the factum of receipt of money by the petitioner from the signatory of the complaint have been recorded during the course of investigation. The petitioner has been involved in the committee business since 2002 and has flouted 10-12 committees. Nine aggrieved persons have got their statements recorded. Few of the note books have already been recovered containing the list of members of the committee and the

CRM-M-20780-2015 (O&M)

money paid by each of them to the petitioner. As per the investigation, the misappropriated amount is approximately Rs.60 lacs but on account of the petitioner having not been arrested only record pertaining to Rs.7.5 lacs has been recovered. No doubt the petitioner has joined investigation and referred to an incident of 20.2.2014 but said incident is not sufficient enough to prima facie form an opinion that the petitioner has been falsely implicated. The statements of Ravi Parkash, Ranjana, Des Rani and 6-7 other witnesses recorded under Section 161 Cr.P.C., prima facie, indicate that the amount entrusted to the petitioner as supervisor of the committee has not been accounted for and stands misappropriated.

No ground is made out for grant of concession of pre-arrest bail to the petitioner. The petition is dismissed.

This order will not, in any manner, prejudice the right of the petitioner to seek concession of regular bail in accordance with law.

January 14, 2016.
rka

(M.M.S. BEDI)
JUDGE