

CRM-M-24421-2016

Date of Decision : 24.09.2016

Sudesh Rani

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI**Present:** Mr. Ashok Bhardwaj, Advocate
for the petitioner.

Mr. Jashanpreet Singh, AAG, Punjab.

Mr. Kuldeep Tewari, Advocate
for the complainant.**M.M.S. BEDI, JUDGE (ORAL)**

Petitioner is a lady who has been in custody with effect from 11.06.2016 in a case registered at the instance of Vijay Kumar who has levelled allegations that the petitioner along with her husband Mohinder Pal who are related to the complainant, had purchased a plot measuring 10 marlas for a sum of Rs. 20 lacs from Jagdish and Satpal. The half of the amount of the sale consideration had been paid and the remaining amount of Rs. 10 lacs was to be paid at the time of execution of the sale deed on 30.06.2015. The petitioner and her husband had persuaded the complainant on account of their relationship to get the sale deed registered in their favour without payment of balance sale consideration on complainant standing guarantor for such balance payment as vendors were his close friends. Petitioner had issued two cheques of Rs. 5 lacs each as a security of faith.

On the guarantee of complainant, vendors executed the sale

deed on 24.04.2015 in favour of the petitioner but she did not pay the amount of Rs. 10 lacs to the vendors as promised. Ultimately, complainant had to pay that amount to the vendors whereas petitioner refused to return the amount to the complainant as well. The cheques issued to the complainant when presented for encashment were dishonoured.

On account of cheques having been dishonoured, a complaint under Section 138 of the Negotiable Instruments Act has been filed by the complainant against the petitioner. The liability of the petitioner to repay the alleged amount of Rs. 10 lacs to the complainant and evasion of the petitioner to repay the said amount appears to be a combination of civil and criminal liability. Since the complainant has already launched prosecution under Section 138 of the Negotiable Instruments Act and the challan stands already presented, petitioner can be granted the concession of bail as she has been in custody for the last more than three months. Petitioner, being a lady, is also entitled to the benefit of the proviso to Section 437 Cr.P.C..

The petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(M.M.S. BEDI)
JUDGE

24.09.2016
Neha

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No