IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No. M-39530 of 2015 (O&M)
Date of Decision: 15.02.2016

Aditi Vij --Petitioner

Versus

State of Punjab --Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Brar, Advocate for the petitioner.

Ms. Manpreet Dhaliwal, A.A.G., Punjab.

Mr. Daljit Singh, Advocate for the complainant.

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TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case F.I.R. No.76 dated 18.5.2015 under sections 406, 420, 506, 120-B I.P.C registered at Police Station, Phase-I, Mohali, District S.A.S. Nagar.

Learned counsel for the parties have been heard.

F.I.R came to be registered on the complaint of Subhash Chander Vij. Accusations are with regard to misappropriation of an amount in excess of Rs.3 crores by Sumit Vij, present petitioner i.e. wife of Sumit Vij and Jitender Kumar Vij i.e. father-in-law of the present petitioner.

Broad allegations are that the complainant was induced to part with huge sums of money and to invest in a firm being run under the name and style of Vij Son Finance. It has been alleged that for a short period of time the promised lucrative returns by way of interest were paid and which led the complainant to invest further money in the company. After some time neither has the interest been paid nor the principal returned.

Present petitioner was arrested on 23.5.2015.

This Court had directed the filing of an affidavit of the Dy.S.P., District S.A.S. Nagar, Mohali to inquire as to whether similar allegations had been raised by other persons who may also have been duped. An affidavit dated 28.1.2016 has been placed on record. The contents thereof reveal that a total of 116 complaints have been received against Vij Son Finance Company and which would reflect an embezzlement to the tune of Rs.50 crores approximately. A total of five F.I.Rs stand registered on the basis of the complaints received. It would be pertinent to make note that in so far as the present petitioner is concerned, she is named as an accused only in the present F.I.R i.e. F.I.R No.76 dated 18.5.2015 and not in the other F.I.Rs which find a mention in the affidavit.

During the course of arguments, it has gone uncontroverted that the complainant had entered into multiple Member-Client Agreements with Vij Son Finance Company i.e. at every point of time when a certain amount of money was invested. For instance one of the Member-Client Agreement has also been placed on record. The same would show that the agreement carries the signatures of Jitender Kumar Vij, co-accused and father-in-law of the present petitioner. To discharge the financial obligation of Vij Son Finance, post dated cheques are also stated to have been issued to the complainant. Concededly, such cheques bear the signatures of Sumit Vij i.e. husband of the present petitioner.

Counsel for the petitioner has vehemently contended that she is a house wife and the company namely Vij Son Finance was actually being controlled and managed by her husband and father-in-law. Such contention prima facie carries weight in the light of the uncontroverted position of fact that the Member-Client Agreement entered into with the complainant did not carry the signatures of the present petitioner and neither did she sign any of the cheques issued to the complainant.

The role of the present petitioner being a conspirator would be a matter of evidence and to be considered during the course of trial.

Petitioner is a lady and is also the mother of a minor child aged about 1 year and 4 months, who is now stated to be in the custody of the maternal uncle.

Investigation in the present case is complete and even the challan stands presented on 21.7.2015. Thereafter, even the charges have been framed. The trial is still at the initial stage .

In an overview of the matter, prayer made in the instant petition seeking benefit of regular bail to the petitioner, is accepted.

Petitioner be enlarged on bail subject to satisfaction of C.J.M./Duty Magistrate, Mohali.

Apart from other stringent conditions that the C.J.M./Duty Magistrate, Mohali may impose, petitioner is directed to surrender her passport before the Trial Court.

It may also be observed that the present petitioner has been granted benefit of bail being a lady and by construing her as a dormant partner/functionary in Vij Son Finance Company. Such observations would otherwise have no bearing on the trial proceedings.

Petition is disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

15.02.2016
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