

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

**CRM-M No.8231 of 2016 (O&M)
Date of Decision: 04.05.2016**

Sudesh Rani

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Mukesh Garg, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
for the respondent/State.

Mr. Kuldip Tiwari, Advocate for the complainant.

JASWANT SINGH, J. (Oral)

CRM No.14168 of 2016

Prayer is for placing on record short affidavit of the complainant as well as exemption from filing the certified copies of **Annexures R-2/1 to R-2/4**.

For the reasons mentioned in the application, same is allowed as prayed for.

CRM-M No.8231 of 2016

The prayer is for grant of anticipatory bail under Section 438 Cr.P.C. to the petitioner/accused-Sudesh Rani in case FIR No.0012 dated 09.02.2016, under Sections 420, 406 of the Indian Penal Code, registered with Police Station Khanauri (Sangrur).

As per the allegations leveled by the complainant-Vijay Kumar, the petitioner/accused-Sudesh Rani and her co-accused husband Mohinder Pal are related to him. The petitioner/accused and her husband had purchased a plot measuring 10 Kanals 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

accused party had persuaded the complainant on account of their relations to get the sale deed registered in their favour without payment of balance consideration, but on the complainant standing a guarantor for such payment as vendors were his close friends. The petitioner/accused had issued two cheques of Rs.5 lacs each as a security of faith. Since the payments were not made by the accused party, it was the complainant who had to make the full payment of the balance consideration. The cheques were dishonoured leading to filing of a complaint under Section 138 of the Negotiable Instruments Act (for short 'N.I. Act').

It is contended that the petitioner already having resorted to the remedy of a complaint under the N.I. Act, no offence at the instance of the complainant is made out against the petitioner. That apart, it is submitted that the dispute is essentially of civil nature and the petitioner having joined the investigation, no further recovery is required to be effected.

On the other hand, learned State Counsel assisted by learned Counsel for the complainant, submits that an enquiry was conducted by the police wherein statements of all the parties involved were recorded and it was found that the petitioner/accused and her husband cheated the complainant of a sum of Rs.10 lacs by inducing him to get the sale deed registered in their favour on the pretext of returning the balance consideration paid by the complainant.

After hearing learned Counsel for the parties and perusing the reply filed by the complainant, it is apparent that the facts taken cumulatively, the petitioner/accused and her co-accused husband had throughout the intention of cheating the complainant.

Keeping in view the nature and gravity of the offence, no case for grant of anticipatory bail is made out.

Accordingly, the present petition stands dismissed.

May 04, 2016

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I attest to the accuracy and
authenticity of this document

(JASWANT SINGH)
JUDGE