IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-19019 of 2017.
Decided on:-28.08.2017.

Harsha Aggarwal.

………Petitioner.

Versus

The State of Punjab.

…….. Respondent.

CORAM: ***HON'BLE MR. JUSTICE HARI PAL VERMA.***

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Present:- Mr. Sukhdeep S. Sandhu, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Sunil Garg, Advocate
for the complainant.

HARI PAL VERMA, J.

The petitioner has filed present petition under Section 438 Cr.P.C. for grant of anticipatory bail to her in case bearing FIR No.35 dated 06.03.2017 under Section 420 of the Indian Penal Code as well as Section 4 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 registered at Police Station Kotwali, District Patiala.

The aforesaid FIR was lodged by many aggrieved persons with the allegation that the petitioner-accused along with her husband, namely, Rajneesh Aggarwal @ Lucky had allured Raj Rani Goyal mother of complainant Sandeep Goyal and other aggrieved persons that they should invest money with the accused persons and in return thereof, the accused shall give more profit to them. However, the complainant found that mother of the

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complainant had been ditched. Similarly, the other aggrieved persons found themselves cheated in the case.

The allegation against the petitioner is that she had financial dealing with late Smt. Raj Rani Goyal, mother of the complainant, for the last 10-12 years. Said Raj Rani had to recover about Rs.38 lakhs from the petitioner and her husband, which were paid by her (mother of the complainant) after selling her plot, gold ornaments etc. She was induced by the petitioner and her husband to get more profit than the interest of the bank on this amount.

As per the complaint, on 20.05.2015, the complainant along with his mother had gone to the house of the petitioner-accused and demanded back the money, but the accused stated that for the time being, they did not have money with them and they would give some plot to the complainant in lieu of the money. Since the accused had been lingering on and did not return the money, mother of the complainant got mentally disturbed as neither the money was returned nor a plot was given to her. However, on 24.05.2015, Rajneesh Aggarwal @ Lucky, who is husband of the petitioner had given a writing to the complainant that he has to pay money and will return the same to the complainant. After some time, mother of the complainant had died because of excessive tension on 30.06.2015.

Learned counsel for the petitioner has filed fresh power of attorney in the Court, which is taken on record.

He has argued that there is no allegation against the petitioner and at the most, it was the husband of the petitioner, who had money dealing with the complainant and a dispute had arisen between them. The petitioner

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has unnecessarily been embroiled in the controversy so as to exert undue pressure on her husband, who is already in custody in the present case. There is no evidence of payment of the alleged amount of Rs.38 lakhs to the petitioner. The complainant has not been able to establish any source from where he or his mother arranged the amount of Rs.38 lakhs and paid to the petitioner. The FIR has been lodged much after the death of Raj Rani Goyal i.e. mother of the complainant.

On the other hand, learned State counsel as well as learned counsel for the complainant have argued that mother of the complainant was an illiterate lady of 72 years of age. She had given amount of Rs.38 lakhs to the petitioner-accused and her husband after selling her plot and gold ornaments. The plot was sold by her for Rs.29 lakhs and he had also sold her gold ornaments. In this manner, an amount of Rs.38 lakhs was given to the petitioner and her husband. The petitioner and her husband allured the mother of complainant with an assurance to give high returns.

It has further been contended that the petitioner has not cheated the complainant, rather, there are many such like complaints against the petitioner and her husband. The petitioner had given a signed slip dated 24.05.2015 to the complainant, which was signed by the husband of petitioner. The said receipt was got examined by the handwriting and fingerprint expert, who has reported that the signatures on the said receipt were of the husband of the petitioner. While alluring more profits, the petitioner-accused and her husband have committed cheating and have collected around Rs.1,44,10,000/- from various persons.

I have heard learned counsel for the parties.

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The allegations levelled against the petitioner are serious in nature as she along with her husband made to believe the complainant and his mother that they will give more profit than the interest being given by the bank, as they are running many group of profits. Due to this allurement, mother of the complainant, namely, Raj Rani Goyal had given Rs.38 lakhs to the accused by selling her plot for an amount of Rs.29 lakhs and also her gold ornaments. There are similar other complainants, who have also invested money with the petitioner on the assurance given by her and her husband. The allegations are that the petitioner and her husband have collected Rs.1,44,10,000/- by assuring the innocent complainants that they will get more profit if they invest money with the petitioner and her husband.

Taking into consideration the nature of allegations levelled against the petitioner and the fact that many people have been cheated by her and her husband, no case is made out for grant of anticipatory bail to the petitioner.

Therefore, this Court does not find any merit in the present petition and the same is, accordingly, dismissed.

(HARI PAL VERMA)
JUDGE

August 28, 2017
Yag Dutt

Whether speaking/reasoned: Yes

Whether Reportable: No

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