

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

**Sr. No. 202**

**Case No. : Crl. Misc. No. M-25757 of 2016**

**Date of Decision : March 27, 2017**

Sunita ..... Petitioner  
vs.  
State of Punjab ..... Respondent

**CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.**

\* \* \*

Present : Mr. Sandeep Arora, Advocate  
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

Mr. Gaurav Sharma, Advocate  
for the complainant.

\* \* \*

**DEEPAK SIBAL, J. :**

Through the present petition filed under Section 438 Cr.P.C., the petitioner seeks the grant of anticipatory bail in FIR No. 58 dated 11.06.2016, registered under Sections 420, 406, 120-B IPC, at Police Station Haryana, District Hoshiarpur.

The case of the prosecution is that on the pretext of sending the complainant's son to United States of America, the complainant had paid to the petitioner and her husband an amount of over ₹ 30 lacs, on receipt of which, his son, instead of United States of America, was sent to Thailand.

On return from Thailand, when the complainant along with his son

approached the petitioner and her husband to return the money, they

refused to do so.

Seeking anticipatory bail for the petitioner, learned counsel submits that there is no inducement by the petitioner and even if the FIR is taken as a gospel truth, which the petitioner does not admit to, no money is even alleged to have been handed over to her by the complainant.

Learned State counsel, as also learned counsel for the complainant oppose the grant of anticipatory bail to the petitioner on the ground that there are serious allegations against her of having accepted a huge amount of over ₹ 30 lacs on the pretext of sending the complainant's son to United States of America, who instead was sent to Thailand.

Learned State counsel, on instructions from ASI Kulwinder Singh, has further apprised the Court with regard to following three criminal cases, in which the petitioner is involved and where the allegations are similar as in the present case :-

| <b><u>Sr. No.</u></b> | <b><u>Particulars of the case</u></b>                                                                                                                                                                                | <b><u>Status</u></b>      |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 1.                    | <i>FIR No. 214 dated 24.12.2013, registered under Sections 420, 120-B IPC and Section 24 of the Immigration Act, 1983, at Police Station Laddowal, District Ludhiana; (Challan in this case filed on 06.07.2016)</i> | <i>Pending</i>            |
| 2.                    | <i>FIR No. 21 dated 18.03.2009, registered under Sections 406, 420, 120-B IPC, at Police Station Cantt., District Jalandhar</i>                                                                                      | <i>Convicted</i>          |
| 3.                    | <i>FIR No. 21 dated 11.03.2013, registered under Sections 406, 420 IPC and Section 24 of the Immigration Act, 1983, at Police Station Bilga, District Jalandhar</i>                                                  | <i>Matter Compromised</i> |

The involvement of the petitioner in the afore-referred three FIRs along with status thereof does not find mention in the present petition. These facts, in my opinion, are material particulars, which are required to be disclosed by an accused in a petition, through which he/she seeks anticipatory bail as pendency of other criminal cases against the applicant certainly throws light on his/her antecedents, which is a relevant factor to be considered by the Court while considering the grant of anticipatory bail.

The involvement of the petitioner in the above cases having not been disclosed by the petitioner in her petition, in my opinion, disentitles her for even being heard on merits.

Even otherwise, in FIR No. 214 dated 24.12.2013, registered under Sections 420, 120-B IPC and Section 24 of the Immigration Act, 1983, at Police Station Laddowal, District Ludhiana, the allegations against the petitioner are similar to the allegations in the present case and after investigation, the police in that case has filed a report under Section 173 Cr.P.C. finding the petitioner guilty. The petitioner is reportedly absconding in that case, as a result whereof, non-bailable warrants have been issued against her by the competent Court seeking her appearance for 06.04.2017. Her conduct in the above case is not appreciated.

In view of the aforesaid conduct on the part of the petitioner, she has disentitled herself for being granted the relief of anticipatory bail in the present case.

It is not disputed that the present case was lodged in the month of June 2016 and even after the passage of over nine months, the husband of

the petitioner is still evading arrest.

The allegations against the petitioner are rather serious of having accepted, along with her co-accused, a huge amount of over ₹ 30 lacs on the pretext of sending the complainant's son to United States of America but after the receipt of money, the complainant's son was sent to Thailand instead of United States of America.

The money allegedly paid to the petitioner needs to be recovered.

Whether the petitioner has duped other persons as well in similar fashion, especially in view of the afore-referred three cases, needs to be probed with some depth.

In view of the above, in my opinion, custodial interrogation of the petitioner is warranted.

Resultantly, the present petition is dismissed.

Nothing observed herein above shall be considered as an expression of opinion by this Court on the merits of the case.

( DEEPAK SIBAL )  
JUDGE

March 27, 2017  
*monika*

|                             |         |
|-----------------------------|---------|
| Whether speaking/reasoned ? | Yes/No. |
| Whether reportable ?        | Yes/No. |