

202

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

**CRM-M No.45412 of 2016
Date of Decision: 14.02.2017**

SANTOSH @ SHINDO

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. C.L. Pawar, Advocate
for the petitioner.

Mr. P.S. Ghuman, Addl. A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.0058 dated 19.04.2016, registered under Sections 406/420/506/34 IPC at Police Station Nangal, District Ropar.

As per FIR, the allegations are of cheating and misappropriation of amount taken by the petitioner from Sunil Kumar, Sanjeev Kumar and Ram Lal. Petitioner did not fulfill her promise of sending the aforesaid persons abroad, nor she returned the amount along with passport to them.

Petitioner claimed herself to be widow as her husband

died in the year 2012. She alleged that Ram Lal and Sunil Kumar assured her to send abroad and took Rs.15 lacs, which she got after selling her house. A writing dated 11.12.2012 to this effect was allegedly executed by Ram Lal. Petitioner also filed civil suit for permanent injunction against Ram Lal and Sunil Kumar in May 2015 in which she had specifically pleaded in para no.2 of the plaint that a writing dated 11.12.2012 was executed.

Learned State counsel on instructions from ASI Balbir Singh submitted that a detailed inquiry was conducted by the DSP Rupnagar and the complicity of the petitioner was found in the present case. The alleged signature of Ram Lal on the writing could not be matched viz-a-viz. his signature appearing in power of attorney filed in the suit.

Learned State counsel also relied upon number of cases in which the petitioner was involved since the year 2000. In FIR No.27 dated 18.06.2000 under Sections 406, 420, IPC the petitioner was held to be guilty vide judgment dated 26.08.2008. Similarly in FIR No.13 dated 28.03.2001 under Sections 406, 420 IPC and Section 10 of the Immigration Act, the petitioner was also held guilty by the trial Court on 02.04.2010. In FIR No.14 dated 04.04.2001, FIR No.23 dated 16.02.2006 and FIR No.49 dated 25.04.2007, petitioner was

acquitted. In FIR No.59 dated 02.06.2015, trial is pending before the trial Court.

Further two cases were registered at Police Station Sadar Nawanshahar against the petitioner. In one case bearing FIR No.41 dated 23.03.2002 petitioner was acquitted and trial is pending in the second case bearing FIR No.66 dated 06.04.2001 under Section 420 IPC. Similarly FIR No.27 dated 28.02.2002 was registered in which petitioner was acquitted.

Seeing the complicity of the petitioner in number of cases, I do not see any ground to enlarge the petitioner on concession of anticipatory bail.

This petition is accordingly dismissed.

February 14, 2017.

Atik

Whether speaking/reasoned

Whether reportable

**(RAJ MOHAN SINGH)
JUDGE**

Yes/No

Yes/No