

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

CRM-M-7712 of 2017 (O&M)
Date of decision: May 04, 2017

Rani Dudeja

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Sagar Aggarwal, Advocate for the petitioner.

A.B. CHAUDHARI, J

This is a second petition for grant of anticipatory bail filed by the present petitioner-Rani Dudeja pursuant to the order made by the Apex Court, on 30.03.2017 in Criminal Appeal No.615 of 2017. The petition is taken up for decision on merits as directed by the Apex Court.

Notice of motion returnable forthwith.

At the asking of the Court, Mrs. Rajni Gupta, Addl. AG Punjab accepts notice on behalf of the State.

Heard learned counsel for the rival parties.

In the light of the observations in Para 4 made by the Apex Court, learned counsel for the petitioner was specifically asked to point out any change in the circumstances and the averments relating thereto in the present second petition for grant of anticipatory bail because this Court did not find so upon reading of the entire petition.

Learned counsel for the petitioner took some time and then having gone through the petition fairly stated that there is no such change in the circumstances much less averred in the petition after the withdrawal

of the earlier petition, namely CRM-M-29016 of 2016. He also fairly stated that the petitioner did not surrender after rejection of the plea for anticipatory bail.

In view of the above statement made by the learned counsel for the petitioner, I hold that there is no change in the circumstances to enable the petitioner to file the present second petition, first petition of having been withdrawn unconditionally.

Learned counsel for the petitioner then called upon to argue the present second petition for grant of anticipatory bail on merits. He submitted that as a matter of fact, investors had approached the petitioner and paid their money to the petitioner for constructing a shopping complex and the petitioner, indeed constructed the same. The investors had voluntarily paid the amounts to the petitioner by way of Investment. If they had grievance about their investment, the dispute, obviously was of civil nature. He, then argued that at any rate, no offence can be said to have been made out against the petitioner. He, further argued that the petitioner being a woman would be entitled to the benefit of grant of anticipatory bail. In addition, he referred the order dated 21.07.2016 made by this Court in CRM-M-21813 of 2016 in favour of Mamta, who was granted anticipatory bail in the same offence. He, therefore, contended that the petitioner should also be granted the anticipatory bail on the ground of parity.

Per contra, learned State counsel submits that there are serious allegations against the petitioner that the investigation revealed that the petitioner had cheated large number of investors by collecting huge amount from them with a promise to give them shops in the shopping complex. However, after constructing the shopping complex, the petitioner took

somersault and entered into an agreement with some other persons for sale of entire shopping complex rather than to the investors from whom she had collected huge amounts. He, therefore, prayed for dismissal of the petition for grant of anticipatory bail to the petitioner.

Apropos the present second petition for grant of anticipatory bail to the petitioner was dismissed by this Court because first petition was dismissed as withdrawn and without granting any liberty by the Coordinate Bench of this Court. In the absence of any change of circumstances in the present second petition, this Court did not want to enter into any judicial indiscipline by over-reading the order made by the Coordinate Bench, particularly, because no change of circumstances was even shown or pleaded. Even in the wildest dream, this Court did not even think of operation of principles of *res judicata* in application for bail/anticipatory bail. Nevertheless, the second petition for anticipatory bail could be entertained only in the wake of change of circumstances, but there are none.

Be that as it may, reading of the investigation papers shows that the petitioner who is the main accused person had allured the gullible investors that a shopping complex would be constructed and would be given to them. On that allurement, she received ₹58,15,575/- plus ₹5,40,000/- from Radhika, ₹13,71,330 from Vicky, ₹23,77,025/- from Pallavi, ₹5,77,400/- from Satta, ₹10,31,715 from Reema, ₹24,46,000/- from Ritu, ₹34,57,750/- from Lakshmi and ₹11,39,315 from Pooja. Besides that during investigation, it was found that not only, the above persons but several other members of public were also duped by the petitioner. When the petitioner did not have any intention to hand-over the shopping

complex to those investors, suddenly accused Gaurav and his mother disappeared from the house along with money belonging to investors and that is how they were cheated. When the investors wanted their money back from the petitioner, she threatened them that she would commit suicide if the money was demanded back from her family members. The investigation has revealed that the accused persons including the petitioner entered into an agreement with third person to sell the entire shopping complex/showroom for the consideration of ₹1,33,00,000/- and not only that, the petitioner also received earnest money amounting to ₹25,00,000/-. As rightly stated by the prosecution, all documents pertaining to the transactions about receipt of money or the agreement to sell etc. and the construction of shopping complex will have to be recovered from the petitioner for which custodial interrogation is the only alternative. In my opinion, thus, there is a clear-cut, prima-facie, case against the petitioner and the relief of grant of anticipatory bail cannot be extended to her.

In that view of the matter, the present second petition for grant of anticipatory bail to the petitioner stands dismissed.

(A.B. CHAUDHARI)
JUDGE

May 04, 2017
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No