

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105

CRM-M-10587-2018

Date of Decision: March 14, 2018

Prem Lata

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Sanjiv Gupta, Advocate for the petitioner.

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of anticipatory bail in case FIR No.255, dated 04.09.2017, under sections 406/420 IPC, registered at Police Station Tripuri Patiala.

2. The allegations in the FIR are that the petitioner, her brother and her daughter were members of three different 'Committees' and received a sum of ₹ 70 lacs from such 'Committees' and thereafter stopped attending the meetings of the 'Committees' and did not pay the installments due. On being questioned, they threatened the complainant.

3. Learned counsel for the petitioner contends that it is purely a money dispute and no criminality is involved therein. Moreover, the present FIR is a counter blast to complaint dated 06.09.2016 filed by the petitioner against the complainant in which she already stands summoned.

4. Section 420 IPC, requires inducement to deliver property with dishonest intention. In this case, the petitioner has received the amount of the 'Committees' and has stopped attending the meetings immediately thereafter. Thus, dishonest intention is writ large and on account of such intention, the other members of the 'Committees'

were induced to deliver property. Therefore, it is not possible to accept the argument that section 420 IPC is not attracted. Further, the private complaint filed by the petitioner is regarding a different incident. The present FIR was registered after one year of filing of complaint by the petitioner and cannot be considered to be counter blast.

5. In view of the above, there is no merit in the present petition and is accordingly dismissed.

6. However, it is made clear that expression of opinion, hereinabove shall not be construed as opinion on merits of the main case.

7. At this stage, learned counsel for the petitioner prays that in case the petitioner surrenders within seven days from today, her application for regular bail be ordered to be decided within fixed time. The prayer is reasonable. It is ordered that in case the petitioner surrenders within seven days from today, the learned trial Court shall decide her application for regular bail (if any, filed) within a period of three days.

March 14, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No