

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

CRM-M-1374-2018(O&M)

Date of decision:23.01.2018

Saroj

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S.Dhaliwal, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Yesh Paal Malik, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to petitioner-Saroj in case FIR No. 283 dated 16.11.2017 under Sections 406, 420, 120-B of IPC, registered at Police Station Rania, District Sirsa.

Brief facts of the case are that the FIR was got registered against petitioner-Saroj and other accused persons with the allegation that a new firm, Maple Trading Company, came in existence and took a shop No.134 on rent in the Grain Market and started doing its business. Petitioner-Saroj and her two sons, namely, Ashish and Abhishek @ Shanky (petitioners) are the owners and from dated 01.11.2017 till 09.11.2017, the accused persons have purchased paddy crop worth Rs.11,41,220/- and issued a cheque which was bounced on 13.11.2017. Owners of shop No.51, namely, Satbir Singh and Anil Kumar came to their shop and undertook the responsibility for clearing the amount. It is further stated in the FIR, on verification from the Grain Market, it has come to the notice of the complainant that similarly many other farmers/firms have been cheated by

the accused persons who, after procuring the paddy crop, have sold the same in Tohana Grain Market and despite receiving the payment, they have not paid the amount to the complainant/farmer/firm and have committed the offence of cheating.

Counsel for the petitioner submits that in fact, it is not disputed that petitioner-Saroj is the Proprietor of the firm M/s Mapple Trading Company and Ashish and Abhishek @ Shanky are her sons. However, it is submitted that there is no criminal liability of petitioner –Saroj as the complainant-farmer/firms have right to recover the amount either by way of filing a civil suit or by filing of complaint under Section 138 of the Negotiable Instruments Act.

On the other hand, learned State counsel, on instructions from ASI Yash Pal, has submitted that as many as 9 persons have recorded their statement under Section 161 of Cr.P.C. levelling direct allegation against the petitioner. It is further submitted that the matter is under investigation and many other persons have also lodged similar complaints against the accused persons. Learned counsel further submitted that the *modus operandi* adopted by the accused persons is that they offered higher rate from the market and by luring the complainants, obtained paddy from them and then sold the same in Tohana Grain Market and have embezzled the amount.

Learned counsel for the complainant has also submitted that as many as 9 persons, who were also cheated, have filed affidavits with the investigating officer regarding the fraud committed by petitioner –Saroj and the other co-accused.

After hearing learned counsel for the parties, I find no merit in

the petition. There is direct allegation against the petitioner that she is a properitor of the firm M/s Mapple Trading Company, who has taken a shop No.134 on rent in the Grain Market, Rania. Even in the FIR, there are direct allegations against her that she has purchased paddy crop from the complainant and did not return the sale price. Therefore, it is not a case for grant of anticipatory bail because her custodial interrogation is required as the police has recorded the statement of many other victims under Section 161 Cr.P.C. levelling allegation of fraud against her.

Therefore, this petition for grant of anticipatory bail by the petitioner- Saroj is dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

23.01.2018
Hemlata

Whether speaking/reasoned	Yes / No
Whether reportable	Yes / No