IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.14025 of 2018
Date of Decision : 02 May, 2018

Salochana Devi

.....Petitioner

Versus

State of Union Territory, Chandigarh

.....Respondent

CORAM :HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Lalit Mohan Chanana, Advocate
for the petitioner.

Mr. Gautam Dutt, Additional Public Prosecutor
for U.T. Chandigarh-respondent.

Mr. M.S. Jandiala, Advocate
for the complainant.

SUDIP AHLUWALIA, J. (ORAL)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure seeking anticipatory bail on behalf of the petitioner in case FIR No.161 dated 30th November, 2016, registered under Sections 420, 120-B of the Indian Penal Code at Police Station Sector 19, Chandigarh.

2. The substance of the allegations made in the FIR is that the petitioner along with her co-accused namely Mohan Singh and one Amar Pal had visited the house of the complainant-Smt. Saroj

Bala. It is also mentioned in the FIR that the petitioner happens to be a relative of the complainant's husband and that the said husband of the complainant is a “Government Employee”, although his actual official status has not been revealed in the FIR.

3. The specific allegations against the petitioner and other accused persons is that the petitioner whose own three daughters are living in New Zealand (of whom one has also got permanent residency there), had induced the complainant to part with money on the promise that her son-Tarun Rana would be similarly got settled in New Zealand.

4. Acting under such inducement the complainant and her husband allegedly sold their plot in Bilaspur, District Yamuna Nagar and delivered an amount of Rs.12.00 lacs to the petitioner apart from the other documents required towards Passport, Visa etc. Those transactions were done in the year 2015. But subsequently the petitioner did not perform her part of the promise to send the complainant's son to New Zealand and even did not return his Passport. The complainant thereafter approached her other relatives after which a Panchayat was held in which the petitioner and the other accused persons agreed to return an amount of Rs.11,72,000/- only and issued two post-dated cheques

along with a promise to return the original Passport. But the cheques were subsequently dishonoured and even the Passport was not returned.

5. The version of the petitioner in this behalf is that the allegations against her are totally concocted; and that, the fact is that actually the money of the complainant was swindled by one Yash Goyal with whom even the petitioner and many others had made similar deposits in a Chit Fund type of scheme. But the said Yash Goyal absconded after taking away the money of those Investors, and now the petitioner's family is allegedly being made a scapegoat with an oblique motive of pressurising them to pay the money which actually was delivered to Yash Goyal.

6 It is the further case that the complainant's husband happens to be a Head Constable in the Chandigarh Police and was also at one time posted as a Naib Court in the District Courts Chandigarh, and actually it is he who is influencing the Police Authorities to harass the petitioner's family which is wrongly implicated in these false and concocted criminal proceedings.

7. This Court has gone through the Police Case Diary and the material available therein.

8. There is no denial of the allegation that post-dated

cheques were actually delivered to the complainant on behalf of the accused persons which were subsequently dishonoured and for which reason the co-accused who was the drawer of the cheque is stated to have even been convicted.

9. It transpires that earlier also, the petitioner had been implicated in criminal cases of a similar nature, and in connection with FIR No.174 dated 26th September, 2016 registered against her under Sections 406 and 420 of the IPC at Police Station Phase 1, S.A.S. Nagar, Mohali, she had been granted conditional Anticipatory Bail by a Coordinate Bench of this Court in CRM-M No.37828 of 2016 on 24th October, 2016.

10. In the given facts and circumstances, this Court is not inclined at this initial stage to accept the petitioner's version of the background and facts at its face value when admittedly her own daughters are already living in New Zealand, and therefore probability of her having induced the complainant's family who are otherwise related to her through her husband to part with money for similarly sending their son abroad cannot be discarded outright, especially considering that the cheques delivered to the complainant later were dishonoured. If there were to be no monetary transaction directly between the petitioner and the

complainant, and the version regarding the investments having been made with one Yash Goyal who is subsequently claimed to have absconded is accepted to be true, then it is not comprehensible as to why the cheques in question were given by the accused persons. This aspect of the matter coupled with the submission made on behalf of the State that even the Passport delivered to the petitioner is yet to be recovered from her, would certainly indicate the need for her close custodial interrogation.

11. For the above reasons, this Court is not inclined to grant the extraordinary relief of release by way of anticipatory bail to the present petitioner at this stage of investigation.

12. Dismissed.

May 02, 2018 **(SUDIP AHLUWALIA)**
Dpr **JUDGE**

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