

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

205

**CRM-M-19598-2018 (O&M)
Decided on : 05.07.2018**

Rajni Mehta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present : Mr. Surinder Thakur, Advocate for the petitioner.

Mr. Nikhil K. Chopra, Addl. A.G. Punjab.

Mr. Vaibhav Sharma, Advocate for the complainant.

P.B.BAJANTHRI, J. (ORAL)

In the instant petition, petitioner has prayed for anticipatory bail under the provision of Section 438 Cr.P.C. in case/FIR No. 113 dated 06.07.2017, registered under Sections 406 and 420 IPC, Police Station Mukerian, District Hoshiarpur, Punjab.

2. Learned counsel for the petitioner submitted that petitioner is entitled for the relief sought in view of the order passed in CRM-M No.33892 of 2017 decided on 12.12.2017 titled as ***Sorabh Mehta versus State of Punjab*** (Annexure P-4). Whereas the trial court dismissed petitioner's application under 438 Cr.P.C. vide order dated 27.04.2018.

Relevant extract of order dated 27.04.2018 reads as under:-

“4. Learned counsel for the accused/applicant at the time of filing of this application placed on record copy of compromise deed purportedly signed by Sourabh Mehta husband of the accused/applicant and Akshay Kumar complainant in this case. In order to ascertain authenticity of the document both the parties were directed to come present in the court. However, today although Akshay has come present but Sourab Mehta has not come present. Learned counsel for the accused/applicant placed on record original compromise deed but, Akshay has categorically made statement that the said compromise is not signed by him. When enquired from learned counsel for the accused/applicant as to why Sourab Mehta has not come present, no proper explanation was furnished. Under these circumstances, it appears that accused applicant as well as her husband have not come to the court with clean hands. The custodial interrogation of the accused/applicant appears to be necessary so as to unearth the entire sequence of events wherein accused/applicant has duped Akshay Kumar of the huge amount on the pretext of sending him abroad.

5. Sequelly, the interim bail granted to the accused/applicant vide order dated 26.02.2018 passed by this court is ordered to be vacated and the bail application being without merit is ordered to be dismissed. File be consigned to the record.”

3. Learned counsel for the respondent while resisting the claim of the petitioner submitted that the custodial interrogation of the petitioner is required so as to recover the amount cheated by the petitioner.

4. Heard the learned counsel for the parties.

5. Annexure P-3 is subsequent to the Annexure P-4. Therefore,

petitioner cannot take any shelter with reference to Annexure P-4. Perusal of the order dated 27.04.2018 passed by the Sessions Judge, Hoshiarpur it is evident that petitioner has mislead the court to the extent that there was a compromise and it has been disputed by the complainant and it has been recorded in the presence of the parties. So the court proceed to dismiss his bail application while withdrawing the interim relief allowed to him. In view of these facts and circumstances, petitioner has not made out a case for anticipatory bail. Accordingly, petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

05.07.2018

pooja saini

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No