

CRM-M-22366-2018

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

CRM-M-22366-2018

Date of Decision: 24.05.2018

Seema Gupta

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. R.S. Rai, Senior Advocate, with
Mr. Rajesh Sethi, Advocate,
for the petitioner.

Mr. S.K. Garg Narwana, Senior Advocate, with
Mr. Sukesh K. Jindal, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

The petitioner in this case, i.e. Seema Gupta, admittedly is a Director in the company, i.e. M/s Savemax Wholesale Club Pvt. Ltd., with the contention of learned Senior Counsel appearing for the complainant being that without there being adequate money in the bank account of the company, the cheques in question were issued towards purchase of the property, for which even a sale deed had been executed.

Upon specific query to learned Senior Counsel appearing for the petitioner, it could not be shown that money to the extent of the cheques in question was available in the account.

Thus, nothing having been shown to this Court that actually money was available in the bank account when the cheques in question were issued (which eventually bounced), and that the amount may have subsequently been lost

by the petitioner in some business transactions/business losses, in the opinion of this Court the petitioner is not entitled to the concession of pre-arrest bail, as the cheques were seemingly issued with no financial back-up to the instruments, thereby (prima face at this stage), possibly attributing *mens rea* to the act.

Therefore, even though interim bail has been granted to the co-accused of the petitioner (Gian Chand Gupta), today itself by this Court, as he admittedly is neither a Director of the company of which the petitioner is a Director, nor is he a signatory to the cheques in question, the same concession is not admissible to the petitioner.

Consequently, this petition is dismissed.

However, nothing stated hereinabove will be taken to be an observation of this Court on the actual merits of the case for or against the petitioner, which would be gone into by the investigating agency and the competent Court at the appropriate stage, on the basis of evidence gathered/led.

May 24, 2018
nitin/vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes