

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

CRM-M-26794-2018 (O&M)

Date of Decision:-23.10.2018

Sonia Kansal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kewal Singh, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

Mr. Deepak K. Sharma, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record.

By way of filing this petition, the petitioner seeks grant of anticipatory bail in respect of a case registered against her vide FIR No.73 dated 20.2.2018 under Sections 406, 420, 506 read with Section 34 of Indian Penal Code, 1860 at Police Station Baldev Nagar, District Ambala.

The FIR was lodged at the instance of Sanjiv Kumar, wherein it has been alleged that he alongwith his wife had gone to England on study visa in the year 2011, where they got acquainted with Rohit Walia and his wife Sonia Walia (petitioner) and who represented that they could arrange for their permanent residency in England and that the same would cost ₹ 30 lacs. It is alleged that the complainant being taken in by the said representation paid an amount of ₹ 22 lacs on various occasions, a part of

which was also paid by way of 6000 pounds and 2000 pounds in the bank account of Rohit Walia. It is alleged that despite having taken the said amount, the permanent residency was not arranged and infact the accused had cheated the complainant.

Notice of this petition was issued to the State.

The learned State counsel assisted by learned counsel for the complainant is opposing the present petition.

The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case mainly on account of the fact that she is wife of Rahit Walia, in whose bank account 6000 pounds and 2000 pounds had allegedly been deposited by the complainant.

On the other hand, the learned State counsel has informed that an amount of ₹ 10 lacs had also been given to the present petitioner by the complainant after withdrawing the same from his mother's account. It has, however, been informed that the petitioner has since joined investigation and that no recovery has, however, been effected from her. It has also been informed that Rohit Walia has already been granted regular bail and that father-in-law of the petitioner, who was also arrayed as an accused, was granted anticipatory bail.

Having considered the rival submissions addressed before this Court and bearing in mind the fact that the main allegations pertain to deposit of amount in the bank account of Rohit Walia and also that the co-accused are already on bail and that the peittioner has already joined the investigation and also that the petitioner is a lady, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. The present petition, as such, is accepted and the interim directions issued by this Court vide order

dated 6.7.2018 are hereby made absolute subject to the condition that the petitioner shall appear before the Investigating Officer as and when directed.

The present petition stands accepted accordingly.

23.10.2018

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)

Judge