IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM M-26944 of 2018

Date of decision : 21.08.2018

Aditi Walia

....Petitioner

V/s

State of Punjab

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. S.S. Narula, Advocate for the petitioner in CRM M-26944 of 2018 & CRM M-26962 of 2018
Mr. ADS Sukhija, Advocate for the petitioner in CRM M-27125 of 2018 & CRM M-26000 of 2018
Mr. Akshay Jain, Advocate for the petitioner in CRM M-29928 of 2018 & CRM M-29929 of 2018.

Mr. Mehardeep Singh, Addl. A.G. Punjab.

Mr. Rajiv Kataria, Advocate for the complainant.

RAJAN GUPTA J.

This order will dispose of six petitions CRM M-29928 of 2018, CRM M-29929 of 2018, CRM M-27125 of 2018, CRM M-26000 of 2018, CRM M-26962 of 2018 & CRM M-26944 of 2018 seeking pre-arrest bail. A case was registered at police station City Kapurthala, district Kapurthala under sections 420, 406, 467, 468, 471, 120-B IPC (409, 477-A IPC added later on) against petitioners vide FIR No. 147 dated 24.05.2014. Pre-arrest bail applications moved by some of them were rejected vide order dated June 01, 2018. Accused Aditi Walia, Vipin Nagi, Deepak Bajaj, Naval Kishore, Garima Parihar, Dharmendra Kumar Tiwari, Rajeev Singhi have moved this court again with the same prayer. It has been vehemently contended on behalf of the accused that they had no such role to play which would require their custodial interrogation. The bank officials merely dealt with the files but were not beneficiaries in any manner. Besides, investigation having been completed, they were entitled to pre-arrest bail. During the course of hearing, the court was informed that main accused namely Sukhwinder Singh, his wife Aman Deep Kaur, Karnail Singh and Paramjit Singh absconded and were probably abroad. A Red Corner Notice had been issued for apprehending them. FIR was lodged on complaint of Sonia Bawa when she was informed by the bank that outstanding of over ₹6/7 crores had accumulated in account against buyers credit. Several transactions of letters of credit were made by accused Sukhwinder Singh. During investigation, Sukhwinder Singh is stated to have admitted that he had siphoned off funds in clandestine manner by routing through other account in connivance with the bank officials. He also forged an addendum dated 07.10.2011 to the partnership deed showing himself to be partner to the extent of 80% and complainant Sonia Bawa of 20%. He also obtained a loan from Kotak Mohindra Bank, Jalandhar for ₹66.00 lacs for a second hand car. Out of this, ₹37.69 lacs were diverted to State Bank of India as repayment of car loan and ₹27.12 lacs was transferred to the account of M/s Flywell Overseas, sister concern of M/s Ikaum Impex. The role of all accused was discussed while rejecting their plea for pre-arrest bail in order dated June 01, 2018. This court felt that petitioner(s) did not meet the parameters required for grant of pre-arrest bail. It being a discretionary remedy, could not be granted to accused who were involved in a bank fraud and clandestine transactions. This court had also granted liberty to the investigating agency to move appropriate application before the concerned court in case it required to conduct further investigation. There is no change in circumstances since then. It is, therefore inexplicable how the second/third anticipatory bail applications can be entertained by this court. Same are without any merit and are hereby dismissed.

August 21, 2018 (RAJAN GUPTA)
Ajay JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No