

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

CRM-M-32429-2018 (O&M)
Date of decision: 17.10.2018

ANJU GARG

.... PETITIONER

V/S

STATE OF PUNJAB

..RESPONDENT

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. S.S. Rana, Advocate and
Mr. Sarvesh Kumar Gupta, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab with

Mr. Ajaivir Singh, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (Oral)

The petitioner seeks grant of anticipatory bail in respect of FIR No.14 dated 17.03.2016, registered under Sections 420 read with Section 34 IPC and under sections 467, 468, 471 and 120-B IPC (added later on), Police Station City Rampura, District Bathinda.

The FIR was registered at the instance of Tarsem Lal whereby it has broadly been alleged that he was induced into booking of flat by Jiwan Garg MD of Royale Empire, who had contacted him on mobile phone and had informed that he was constructing flats at Zirakpur known by the name Royale Empire. It is further alleged that Jiwan Garg, thereafter, sent his son Prince Garg to the house of the complainant and subsequently, again Jiwan Garg contacted him on telephone informing him that some flats on

second floor are lying un-alloted and that he would gave a rebate of Rs.2 lakh. It is thus, the case of the complainant that he was induced into booking of flat for a sum of Rs.44 lakh out of which an amount of Rs.24 lakh was paid at the time of booking. It is also alleged that on one occasion Jiwan Garg, his son Prince Garg and his wife i.e.. the present petitioner had come to his house and an amount of Rs.17 lakh was paid out of advance amount of Rs.24 lakh and subsequently a sum of Rs.1 lakh was also paid but possession was never handed over and subsequently, complainant came to know that the accused had cheated several other persons like him.

Notice of motion was issued to the State of Punjab.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case simply on account of the fact that she is the wife of Jiwan Garg so as to pressurize the accused to part with money. It has further been submitted that even as per the FIR, the petitioner had never induced the complainant to part with the alleged amount of Rs.25 lakh and it is co-accused, who had been discussing the matter regarding sale of flats with the complainant.

On the other hand learned State counsel and counsel for the complainant have opposed the petition and have submitted that the petitioner is a part and parcel of entire conspiracy and was present at the time when an amount of Rs.17 lakh was handed over by the complainant to the accused. It has further been pointed out by learned counsel for the complainant that the conduct of the petitioner is not above board inasmuch as she was declared proclaimed offender in another case and that she is involved in several other identical cases.

Having heard the rival submissions made by learned counsel for the parties and bearing in mind the fact that the main allegation in the present case is against Jiwan Garg and Prince Garg and also the fact that petitioner is a lady and she has already joined the investigation, in my opinion, it is a fit case for grant of anticipatory bail to the petitioner. The petition, as such, is accepted and interim directions issued by this Court vide order dated 01.08.2018 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 disposed of accordingly.

(GURVINDER SINGH GILL)
JUDGE

17.10.2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No