

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

CRM-M-44318-2017

Date of decision:-8.2.2018

Shweta Tyagi

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Sunil Jangra, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Shweta Tyagi, an accused in FIR No.532 dated 1.7.2016, for the offences under Sections 384, 406, 420, 506, 120-B IPC, registered at Police Station Civil Lines, District Rohtak.

Briefly stated, the facts of the case as per prosecution story are that FIR was lodged on the basis of written complaint submitted by Tarun Garg son of Surinder Kumar Garg, resident of House No.279A/16, Palace Vihar, Sainipura, Rohtak addressed to SHO, Rohtak, in which he contended that he got acquainted with Amit Lamba at Rohtak, who represented that he has a lot of business in foreign countries especially in Dubai (UAE) and he wanted to expand his business there, accordingly he (complainant) agreed to do business with Amit Lamba and Shweta Tyagi

and at asking of both of them met Mr.T.J. Kumble from South Africa; that an agreement was signed; that at the asking of Amit Lamba, the complainant deposited lakhs of rupees with him on various occasions; that at times amount were received by Amit Lamba and Shweta Tyagi personally though no receipt was issued. According to the complainant at the asking of Amit Lamba, he had opened a new firm and continued paying money to him, even depositing the amounts in bank account of Amit Lamba and he was deceived by Amit Lamba and Shweta Tyagi and he left interest in doing business with them. However, both of them took him to the office of Notary where his signatures were obtained on Government bond by playing fraud with him in which it was written that the complainant had borrowed Rs.30 lakhs from Amit Lamba, which were to be returned before 21.5.2013, otherwise he would have to go to jail in case of Amit Lamba filing any complaint against them; that Amit Lamba by giving threats extracted a sum of Rs.15 lakhs from the complainant on one occasion and Rs.7.5 lakhs on another occasion, in that way, he was deceived and a fraud was committed upon him and that he was blackmailed and threatened of being killed.

On registration of formal FIR, apprehending her arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, her such request was declined by learned Additional Sessions Judge, Rohtak vide order dated 13.11.2017. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which

put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

The allegations against the petitioner are indeed very serious of she along with Amit Lamba playing fraud with the complainant going to the extent of blackmailing him and extracting money from him under threats. She is shown to have played an active role in the whole episode. The contention of learned counsel for the petitioner that there is delay of 3 ½ years in reporting the matter to the police does not have any effect keeping in the view the tale of woes narrated by complainant in the FIR. As regards, Amit Lamba having been granted regular bail that does not improve the case of the petitioner for grant of pre-arrest bail, since the yardsticks for grant of pre-arrest bail and regular bail are quite different. Pre-arrest bail is such a relief which is to be granted in exceptional circumstances and not in routine. In this case although the petitioner has joined the investigation but as informed by the State counsel she has not got the recovery affected and provided the information asked from her.

The petitioner is stated to be involved in following other criminal cases:

- (i) FIR No.257 dated 2.6.2014, under Sections 420,406,506,120-B IPC, registered with Police Station Rohtak Civil Lines;
- (ii) FIR No.214 dated 10.6.2014, under Sections 120-B, 347, 384 and 420 IPC, Police Station Tilak Marg, New Delhi.;

It means that the petitioner has got a shady past. In case of

State represented by the C.B.I. Versus Anil Sharma, 1997(4)

R.C.R.(Criminal) 268, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation and in case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

8.2.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No