

Sr. No.101

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

CRM No.M-46264 of 2018 (O&M)

Date of Decision: 22.10.2018

Neelam Chaturbedi

... Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Sunil Garg, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

CRM No.37712 of 2018

Application is allowed, as prayed for.

Affidavit dated 19.10.2018 of the petitioner Neelam
Chaturbedi wife of Naveen Chaturbedi is taken on record.

Application disposed of.

Main Case

This is the second petition filed by the petitioner under
Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.495
dated 30.08.2013, under Sections 408, 420, 120-B IPC, later on
added Sections 467, 468, 471 of IPC, registered at Police Station
Sector 17, Chandigarh.

Briefly, it may be noticed that FIR was registered on the
allegations targeted against husband of the petitioner, namely,

Naveen Chaturbedi who was employed as an Accountant with M/s Premier Acres Infratech Private Limited. Precise allegations against main accused Naveen Chaturbedi are that during the process of reconciliation of the accounts of the Company, he had committed a serious financial fraud by transferring a sum of Rs.54 lakhs from the Company's account after forging signatures and thereby transferring such amount in the accounts of his family members.

Name of the present petitioner does not figure directly in the FIR, even though there were allegations that jewellery in the name of the petitioner had been purchased from such amount that had been siphoned from the account of the Company.

It may be noted that the first petition preferred by the petitioner before this Court i.e. CRM No.M-3890 of 2014 was dismissed on 03.02.2014. Thereafter, vide order dated 25.04.2014 passed by the Apex Court, the petitioner was granted protection subject to her cooperating with the investigating agency. Perusal of the order dated 25.04.2014 appended and placed on record at Annexure P-4 contains the observations to the effect that case of the petitioner stands on a different footing from the other accused. Principal accused Naveen Chaturbedi was married to the present petitioner, namely, Neelam Chaturbedi only on 30.01.2012 whereas as per allegations Naveen Chaturbedi had started indulging in acts of forgery and embezzlement starting from the year, 2010.

Counsel representing the petitioner submits that

supplementary challan against the petitioner was presented on 20.06.2016 and thereafter charges were framed under Sections 408/420/467/468/471 and 120-B IPC by the trial Court on 11.04.2017.

The instant petition has been necessitated on account of passing of order dated 04.10.2018 by the learned Chief Judicial Magistrate, Chandigarh (Annexure P-5) and in terms of which bail bonds furnished by the petitioner have been cancelled and forfeited to the State and her presence has been directed to be secured through warrants of arrest. Such order has been passed on the basis that an application for personal exemption on behalf of the petitioner/accused Neelam Chaturbedi had been filed on the plea that she is unwell but the application was not supported by any medical opinion/record. Further more even counsel representing the petitioner had not appeared to make submissions in support of the application seeking personal exemption.

Learned counsel for the petitioner would vehemently argue that the name of the petitioner did not figure in the FIR. Her role is distinct and separate from the other accused, namely, Naveen Chaturbedi who happens to be her husband. Counsel further argues that during the course of investigation, it had been found that a sum of Rs.86,052/- stood transferred in the account of the present petitioner but such amount has not been withdrawn till date and rather petitioner was not even in knowledge of such amount having been transferred into her account.

Having heard counsel for the petitioner at length and

having perused the pleadings on record, this Court is not inclined to grant interim protection in favour of the petitioner.

Such view is being taken in view of the conduct of the petitioner. Charges having been framed against the petitioner by the trial Court on 11.04.2017, the affidavit of the petitioner dated 19.10.2018 placed on record would reveal that the matter had been taken up before the trial Court on 19 different dates. As per affidavit of the petitioner out of these 19 dates, petitioner had filed exemption applications on as many as 13 occasions. Thereafter, the matter having been fixed for 04.10.2018 before the trial Court, the petitioner chose to file yet another application seeking exemption on the ground that she is unwell. Counsel concedes that such application was not supported by any medical opinion/record. Even counsel had not appeared to advance submissions in support of the prayer made in the exemption application.

The sequence of facts noticed hereinabove would clearly demonstrate that the petitioner having been granted protection has repeatedly chosen not to appear before the trial Court and filed 13 applications for exemption on one pretext or the other. It is a clear case of misuse of the concession that had been granted in favour of the petitioner. The petitioner is perhaps under an impression that an application for exemption of personal appearance before the trial Court would be allowed as a matter of course.

Conduct of the petitioner dis-entitles her from the relief

that has been sought in the instant petition.

Dismissed.

22.10.2018

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Whether Reportable

Yes

No