IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-6239-2018 (O&M)
Date of decision:15.02.2018

Kavita Dhingra & another ... Petitioners

Vs.

State of Punjab ... Respondent

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

Present: Mr. B.S. Bhalla, Advocate for the petitioners.

Mr. Gurinder Singh Brar, Advocate for the complainant.

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<u>TEJINDER SINGH DHINDSA, J. (ORAL).</u>

Petitioners have preferred the instant petition under Section 438 Cr.P.C. seeking concession of anticipatory bail in case FIR No.25, dated 24.01.2018, under Sections 420/120-B IPC, registered at Police Station Division-A, District Police Commissionerate, Amritsar

Counsel for the petitioners has been heard at length.

FIR came to be registered on the complaint of Anita Sharma, who claims herself to be an NRI.

Complainant asserted that petitioner No.1, namely Kavita Dhingra was known to her since the last 6-7 years. Complainant had a property in Phillaur which was sold in the year 2014 and the monetary transactions pertaining to such property took place at Amritsar. When the sale consideration amount was received by the complainant, the present petitioners were present. Precise allegation is that at that stage, both the petitioners hatched a conspiracy to grab the money and in furtherance of such evil design, called upon the complainant to part with a sum of Rs.25 lakhs so that the accused/petitioners would expand their business of beauty saloon. Rs.25 lakhs is stated to have been entrusted to the petitioners in May, 2014 in the presence of one Mr. Sunil Sharma. Such money is stated to have been misappropriated with an intent to cheat.

Counsel representing the petitioners would submit that in real terms, a loan of Rs.6 lakhs had been taken from the complainant but the same had been returned against issuance of receipts. Further contended that blank cheques towards security had been furnished by the petitioners to the complainant and which have thereafter been misused by filling exaggerated amount and to show the loan amount to be Rs.25 lakhs instead.

The stand taken on behalf of the petitioners does not inspire confidence.

Initially, two cheques bearing Nos.050423 and 050424 both dated 25.05.2015 of Rs.10 lakhs each drawn on Union Bank of India were alleged to have been given by the present petitioners and which upon presentation were dis-honoured with the remarks **'stop payment'.**

Apparently, the common friend, namely, Mr. Sunil Sharma in whose presence the amount of Rs.25 lakhs had been entrusted having been approached, a subsequent cheque of Rs.25 lakhs i.e. the 3rd cheque is alleged to have been issued and which has also been dis-honoured with the remarks **'insufficient funds'**.

Counsel would seek to justify the issuance of 3rd cheque by submitting that it was towards discharge of liability of interest on the loan amount. Such version on the face of it, seems improbable. No impediment can be seen as to why the interest component was not added along with the principal amount at the stage of issuing of initial two cheques.

That apart, counsel for the petitioners inspite of a specific query having been put has not been able to furnish any writing/material to substantiate that only a sum of Rs.6 lakhs had been advanced towards loan.

It is a case which would require a thorough probe and which may well warrant custodial interrogation of the petitioners.

In view of the above, this Court is not inclined to extend in favour of the petitioners the concession of pre-arrest bail.

Petition is dismissed.

It is clarified that the observations made by this Court are only confined to consider and reject the claim of the petitioners for anticipatory bail and would have no bearings on the merits of the case.

15.02.2018 **(TEJINDER SINGH DHINDSA)**
harjeet **JUDGE**

i) Whether speaking/reasoned? Yes

ii) Whether reportable? No