

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 6901 of 2018 (O&M)
Date of decision : 6.3.2018

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Geeta Utreja

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Dinesh Nagar, Advocate
for the petitioner.

Mr. Saurav Khurana, Deputy Advocate General,
Punjab.

Mr. Rajiv Joshi, Advocate for the complainant.

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H. S. Madaan, J.

This petition for pre-arrest bail has been filed by Geeta Utreja, an accused in FIR No. 266 dated 11.11.2017 for offences under Sections 406, 420, 120-B IPC registered at Police Station Sadar, Patiala.

Briefly stated, facts of the case are that complainant Maninder Sharma s/o Ramesh Gargish had submitted a complaint to

the Police against Mohinder Singh Utreja s/o Madan Lal, Geeta Utreja, d/o Mohinder Singh Utreja, Arvind Singla s/o Late Dharampal Singh, Randhir Singh s/o Nirmal Singh and Kuldeep Singh s/o late Gurnam Singh, on the allegations that all those persons had cheated him in as much as, Mohinder Singh Utreja alongwith Satnam Hasija had established a cold store under the name and style of Balaji Cold Store. The land adjoining the cold store was agreed to be purchased by Mohinder Singh Utreja alongwith Satnam Hasija. Pardeep Singh was already having a litigation with owner of the property and it was agreed that sale deed would be registered after decision of the said litigation; that before construction of the cold store in the year 2012, some difference had arisen between Mohinder Singh Utreja and Satnam Hasija and construction work came to a stand still. However, the matter was compromised between the two with the intervention of one Yashpal, in terms of which Satnam Hasija had withdrawn from the partnership. Mohinder Singh Utreja had requested Yashpal to join as a partner in the firm. Yashpal was known to father of complainant Maninder Sharma and he requested them to become partner in the cold store in the 2012, as such they had invested a sum of Rs.63,50,000/-. It was agreed that the adjoining property measuring 5 bighas and 4 biswas, regarding which agreement to sell had already been entered into would be transferred in the name of the new partner. Mohinder Singh Utreja had also taken in Harish Kumar as a partner, though a dispute had arisen between two of them in January 2013. Subsequently, since Mohinder Singh Utreja had told Yashpal that he was unable to run the business due to debts, therefore, at the

asking of Yashpal, complainant Rajiv Raheja became partner in February 2013 and invested Rs.66 lacs. Subsequently, Mohinder Singh Utreja, with the help of one Chander Shekhar - accountant, had forged the accounts. On the basis of this written complaint formal FIR was registered.

Apprehending her arrest in this case, the petitioner had approached the Court of Sessions for grant of pre-arrest bail, however, her such request was declined by the Additional Sessions Judge, Patiala, vide order dated 6.2.2018, as such she has approached this Court craving for grant of similar relief, which is being opposed by the State counsel and counsel for the complainant.

I have heard learned counsel for the petitioner, learned State counsel, as well as counsel for the complainant, besides going through the record and I find that there is no merit in the petition.

Learned counsel for the petitioner -accused has contended that as a matter of fact it was complainant Maninder Sharma who has played fraud with the present petitioner, as at the instance of her father Mohinder Singh Utreja, an FIR was recorded; the dispute is actually with regard to the partnership of the firm with regard to the cold store and it is of civil nature; the FIR has been got recorded as a pressure tactics. Furthermore, the petitioner has not misappropriated any amount.

On the other hand, learned State counsel alongwith learned counsel for the complainant while refuting those assertions submitted that the allegations against the petitioner are serious and things are not that simple as being projected by learned counsel for the

petitioner. They submitted that custodial interrogation of the petitioner is necessary for complete and effective investigation. Furthermore, in an enquiry by the police, it is revealed that petitioner has indulged in criminal acts, in connivance with her father Mohinder Singh Utreja.

After hearing the rival contentions, I find that Mohinder Singh Utreja has got registered the sale deed in favour of his daughter Geeta Utreja to the prejudice of the other partners in the cold store and this position had come out during the enquiry/investigation conducted by the police, that Geeta Utreja is beneficiary under the sale deed, as such she cannot come up with the plea that she is innocent and has not committed any offence. The allegations against her are quite grave and serious. The FIR got lodged by Mohinder Singh Utreja is said to have been cancelled, as informed by the State counsel. Further more, huge dues are said to be outstanding and accounts were forged and despite agreement with the partners, Mohinder Singh Utreja is stated to have executed the sale deed in favour of his own daughter Geeta Utreja. Her custodial interrogation is definitely required to find out the complete factual position as to how and under what circumstances, the sale deed has been executed in her favour and the other partners in the concern were cheated. If the custodial interrogation is denied to the Investigating Agency, that shall adversely effect the investigation, which is uncalled for, as has been observed in authority **State represented by the CBI vs. Anil Sharma, 1997 (4) RCR (Criminal) 268,** custodial interrogation is qualitatively more elicitation oriented since a person who is couched

in comparative safety of pre-arrest bail, would certainly not disclose all the facts within his knowledge, which would be inculpatory for him.

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

6.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned	Yes / No
Whether reportable	Yes / No