

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

CRM-M-35117-2019

Date of decision: September 10, 2019

Sangeeta Tyagi

....Petitioner

Versus

U.T., Chandigarh

Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sanjay Kumar, Advocate
for the petitioner.

Mr. Kuldeep Tiwari, Additional P.P., U.T., Chandigarh.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer made in the present petition is for grant of anticipatory bail in FIR No.81 dated 30.4.2018 under Sections 406/420 IPC, registered at Police Station North Sector-3, Chandigarh.

Counsel for the petitioner submits that as per the allegations in the FIR, the complainants have given advance payment to co-accused Harjot Singh Anand @ H.S. Anand, the Director of M/s Mariners Buildcon India Limited (MBIL), who was constructing Mohali Oceanic Project from January, 2008 onwards and the Company, from time to time, issued copy of the land details of transfer, planning for development of the land area, allotment letters and CLU to the investors/victims. In this manner, all the accused persons, were maintaining the trust on the victims that the project set up by the Company is coming up properly. It is further stated in the FIR that 67 applicants have been cheated by the accused persons and petitioner- Sangeeta Tyagi was Incharge of the project and from time to time she was making the communication to the victims knowingly that false promises were made by the accused persons on the Mohali Oceanic Project as the

Company had never started the development work. It is further stated in the FIR, that some of the victims, who had applied for refund of the amount were given cheques, which were dishonoured by the bank. It is alleged that collectively an amount of more than Rs.15 lacs from 67 applicants has been received by Harjot Singh Anand and no development has been taken place. The allegations against petitioner-Sangeeta Tyagi are that she was the authorised person and whenever, the victims communicated regarding the development of the project, she would always reply to them giving false information and received the cheques on behalf of the Company. It is stated that it is in the knowledge of the petitioner since beginning that no project was coming and she was giving false information in conspiracy with the main accused Harjot Singh Anand.

Counsel for the petitioner has further argued that, in fact, the petitioner was an employee of M/s Mariners Buildcon India Limited, which was coming up with a project, namely, Mohali Oceanic Project. He has further submitted that as per the allegations in the FIR, the amount was received by Harjot Singh Anand and, therefore, the petitioner has not received any amount and she was not the Incharge of the project.

In reply, the learned counsel for U.T., Chandigarh, on instructions from SI Mohan Kashyap has opposed the prayer. Learned State counsel further submits that the police has collected various documents to show the direct involvement of petitioner, being General Manager of the project. Learned counsel has further submitted that by way of e-mails as well as speed-post the petitioner was communicating with all the victims. In one of such a communication dated 2.5.2013, it is stated that the project has already received CLU and it has extended financial co-operation with another developer and she demanded Rs.5 Lacs from one of the victim, namely, Munish Kanwar. Learned State counsel has further stated that since the petitioner was the Incharge of the project and she knew it that neither any CLU was obtained nor any development of the project was undertaken and in spite of that she by showing false promises was alluring the victims to send more amount in the name of Company and, thus, she was in clear conspiracy with main accused Harjot Singh Anand.

Learned State counsel further submits that Harjot Singh Anand has already been declared a proclaimed offender and is yet to be arrested and, therefore, the custodial interrogation of the petitioner is required.

After hearing counsel for the parties, I find no ground to grant the concession of anticipatory bail to the petitioner.

It is own case of the petitioner that from October, 2009 onwards, she was working as a Manager, Corporate Communication and she was communicating with all the victims by giving false reports about the project and believing the same to be true, the victims parted away their hard earned money and handed over the same to the Company. It has come in the investigation that the entire communication with the investors/victims was made by the petitioner and the money was received by her, which was deposited in the account of the Company. Therefore, the role of the petitioner in the alleged fraud, committed by her in conspiracy with the main accused, requires her custodial interrogation.

The petition is bereft of merit and, accordingly, the same stands dismissed.

September 10, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No