IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-36016-2019
Date of Decision: 13.12.2019

Jyoti Sharma

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gopal Singh Nahel, Advocate,
for the petitioner.

Mr. APS Gill, DAG, Punjab

Mr. Amandeep Singh Rehal, Advocate,
for the complainant.

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AMOL RATTAN SINGH, J. (ORAL)

By this petition, filed under the provisions of Section 438 of the Cr.P.C., the petitioner seeks to be admitted to anticipatory bail, upon FIR no.102, dated 06.08.2019, having been registered at Police Station Chamkaur Sahib, District Rupnagar, alleging therein the commission of offences punishable under Sections 406 and 420 of the IPC.

The allegation against the petitioner, as per the FIR, is that she along with her husband and co-accused Rajesh Sharma, as also their partner, Bharat Raj Sharma, duped students of the institute of which the complainant is the Principal (Himalaya Senior Secondary Public School, District Rupnagar), with the petitioners' husband, Rajesh Sharma, and his partners having approached the school, claiming to be owners of “Barrow International Company”.

It was projected that the said firm/company had been given a contract

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for filling up jobs in British Petroleum, Canada, with one letter also produced in support of that contention.

Consequently, many students are stated to have been introduced to the petitioners' husband, with money having been paid for providing jobs to students in the year 2016, but with no such jobs having been provided. Thereafter, in 2017, the petitioners' husband is stated to have said that since jobs were not forthcoming, he would return the money, which was however not returned, leading to the registration of the FIR.

When this petition had initially come up for hearing on 30.08.2019, learned counsel for the petitioner had submitted that the allegations were actually against the petitioners' husband in whose account the money was transferred.

Upon that, notice of motion was issued, with the petitioner directed to join investigation, with her ordered to be admitted to interim bail in case she was sought to be arrested.

Thereafter learned State counsel had informed this court that the petitioner was equally involved as her husband in the fraud (allegedly to have been perpetuated), and therefore she did not deserve the concession of bail.

However, on requests made by learned counsel for the complainant, the matter was adjourned twice, after which it has come up today.

Today, learned counsel for the petitioner reiterates what he had initially stated, with the learned counsel for the State and the complainant having both stated that the petitioner has, upon inquiry, been found to be fully involved in the day-to-day affairs of her husbands' business, with even money having been transferred to the bank account, with the petitioner also found to be a beneficiary thereof.

That being so, without making any comment on the actual merits of

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the case at this stage, I see no reason to continue with the petition, which is consequently dismissed, with the interim order dated 30.08.2019 vacated.

December 13, 2019 **(AMOL RATTAN SINGH)**
vcgarg **JUDGE**

Whether speaking/reasoned Yes
Whether Reportable No.

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