

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-42140-2019(O&M)

Date of decision: 21.11.2019

Neelam Saini

.....Petitioner

Versus

State of Haryana

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Ms.Kiran Bala Jain, Advocate for the petitioner

Mr. Manish Bansal, DAG, Haryana

**ANIL KSHETARPAL, J. (ORAL)**

Petitioner prays for grant of pre-arrest bail in FIR No.106 dated 8.3.2019 registered under Sections 406, 420, 467, 468, 471, 120-B IPC at Police Station Baldev Nagar, Ambala.

Although it is correct that petitioner is the first informant, however, police during investigation has found that petitioner and her husband are also involved. In substance, the allegations are that a nationalized Bank has been defrauded of Rs. 24,12,000/-. A loan was got sanctioned from the Bank and after constituting a fake firm, the amount was got transferred in that account. Status of the investigations carried out by the police is clear from affidavit filed, paras 9 to 12 whereof are extracted as under:-

“9. That on the basis of the request of the

petitioner and on examination of the detail of above said

account, it was revealed that on 28.3.2019, the Canara Bank Branch vide its GL account (General Ledger) No. 209272431 had transferred through RTGS an amount of Rs.24,12,000/- in the account bearing No.3666034113 (Central Bank of India, Branch Sector 7, Ambala City) of Yashodha Motor (the forged firm), GT Road, Mohra. During investigation, it was also revealed that the above said account number 3666034113 was being operated by the co-accused of petitioner namely Umesh Kumar being proprietor of the Yahodha Motors, GT Road, Mohra. From the examination of the documents, it was also found that from the above said GL account (General Ledger) No. 209272431 a draft for an amount of Rs.4,40,000/- in the name of Mewa Singh & Brothers, Truck and Bus Body Builders, GT Road, Sirhind, District Fatehgarh Sahib (Punjab) was issued.

10. That it is relevant to mention her that after obtaining the loan for the purchase of Ashoka Leyland commercial vehicle from Canara Bank, Baldev Nagar, Ambala City, the petitioner did not purchase the vehicle and without taking the possession of the vehicle she authorized the Bank manager to disburse the loan amount to the vendors.

11. That is also relevant to mention here that after the disbursement of loan amount on 28.3.2018, the husband of the petitioner paid the installment in the

loan account number bearing 4119768000065 of the vehicle firstly on 12.7.2018 amounting Rs.70,000/- and on 24.7.2018 amounting to Rs.1,05,000/-. The above fact clearly established on the record that the petitioner Neelam Saini was having the knowledge that she had obtained a fraudulent laon for the purchase of commercial vehicle. It is further submitted that without taking possession of the vehicle two installments of the loan amounting to Rs.1,75,000/- have been paid by the husband of the petitioner. And due to this reason, the involvement of the petitioner was also found in this case.

12. That as a matter of fact, Rs.24,12,000/- were never transferred to the authorized dealer of Ashoka Leyland, Mohra, Ambala namely Yashodha Motors Pvt. Ltd. Rather the above said amount has been transferred in the account of Yashodha Motors, Mohra, Ambala (i.e forged firm). During investigation, it has come on record that the account number of Yashodha Motors was being operated by Umesh Kumar (co-accused), whereas, no firm in the name of Yashodha Motors, Mohra, Ambala has been working at the given address.”

Question before this Court is as to whether petitioner- a lady and the complainant should be granted concession of pre-arrest bail or not.

Keeping in view the facts of the case and also the fact that the

investigations are in progress, this Court is not inclined to grant concession

of pre-arrest bail to the petitioner.

Dismissed.

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|---------------------------|-------------------|
| 21.11. 2019               | (ANIL KSHETARPAL) |
| rekha                     | JUDGE             |
| Whether speaking/reasoned | Yes / No          |
| Whether Reportable        | Yes / No          |