

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46744-2019

Date of Decision: 13.11.2019

Pooja Sharma and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. D.S. Malwai, Advocate,
for the petitioners.

Mr. B.S. Sewak, Addl. A.G., Punjab.

Mr. Ashok Bhardwaj, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the complainant submits that as per investigation conducted so far, the petitioners in fact duped the persons/complainants into selling their house to them, after which money as was given by way of loan by the State Bank of India to the petitioners, was transferred to the account of the complainants, and was got withdrawn from that account at the instance of the petitioners, with learned counsel further submitting that thereafter the loan itself was transferred to the HDFC Bank, and a “top-up loan” taken again, with the petitioners having duped the complainants again, and further, that the signatures of the witnesses to the loan agreement, who were taken by the petitioners to the SBI, were found to be not of the persons who they were purported to be of.

He also submits that even the withdrawal vouchers on the basis of which the money was withdrawn from the account of the complainants, were filled in by the petitioners, though signed by the complainants.

Learned State counsel, on instructions from the police official who is present in Court today to assist him, does not dispute the aforesaid findings in the investigation as have been referred to by counsel for the complainant, with him further submitting that petitioner no. 2 in fact is posing as a '*Tantrik*' and on that basis he duped the complainants.

Keeping in view the aforesaid contentions, without making any comment on the actual merits of the case for or against the petitioners, I see no ground to entertain this petition, which is consequently dismissed.

However, nothing stated hereinafore, naturally, would be taken to be a comment on the actual merits of the case for or against the petitioners, which would be subject matter of investigation, and trial if it comes to that stage, with all the observations made only being in the context of a petition filed under Section 438 of the Cr.P.C.

Further, if the petitioners are arrested, any petition filed by him under the provisions of Section 439 of the Cr.P.C., would be decided on its own merits.

November 13, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.