

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

**CRM-M No.8419 of 2020
Date of Decision : 04.08.2020**

Mandeep Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. G.S. Salana, Advocate
for the Petitioner.

Mr. Sidakmeet Sandhu, Asstt. Advocate General, Punjab
for the Respondent/State.

SUDIP AHLUWALIA, J. (ORAL)

The instant Petition has been filed under Section 438 of the Code of Criminal Procedure seeking Anticipatory Bail on behalf of the Petitioner in case FIR No.26, dated 1st February, 2020, registered under Sections 420, 120-B of the Indian Penal Code, 1860 at Police Station Kotwali Bathinda, District Bathinda.

2. The Petitioner happens to be the wife of the principal accused, namely Nirmal Singh, who is alleged to have cheated the Complainant by way of inducement to establish a Profitable Security Firm and on that promise allegedly duped him of an amount exceeding Rs.6.00 lacs.

3. On more than one occasion monetary deposits were made in the bank account of the Petitioner by the Complainant on instruction of her husband.

4. She now claims that she is innocent of the offences imputed to her, and that actually she has been having some matrimonial dispute with her husband, on account of which she is residing separately from him, and therefore cannot be held responsible if the money deposited in her account is misused by her husband, the principal accused, who holds her ATM Card.

5. This Court is unable to appreciate such contention raised on behalf of the Petitioner. The fact of the matter is that payments by the Complainant were undisputedly made in the Petitioner's own bank account. She cannot simply walk away by placing the blame on her husband on the reasoning that the money in question has been withdrawn by her husband without her knowledge since he was in possession of her ATM Card.

6. Had that been the case, it is incomprehensible why the Petitioner would not get her own ATM Card to be blocked or reissued for herself to prevent misuse of her ATM Card by her husband, if at all there were any matrimonial disputes between them, which constrained her to live separately.

7. For the above reasons, this does not appear to be a fit case to grant the discretionary relief of Anticipatory Bail to the Petitioner.

8. Dismissed.

August 04, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

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