

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17263-2020 (O&M)

Date of Decision:-2.7.2020

Anita Devi and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K. Choudhary, Advocate for the petitioners.

Mr. Gaurav Garg Dhuriwala, DAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.(Oral)

1. Anticipating their arrest, the petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.0118 dated 21.6.2020 at Police Station City Gurdaspur under Section 420 of Indian Penal Code.
2. The allegations, in nutshell, are that the petitioners had taken an amount of ₹5 lakhs from the complainant-Meenu Bala while representing that they would get the complainant employed on some government job. It is further stated therein that out of the said amount of ₹5 lakhs, an amount of ₹3 lakhs was paid through bank transaction.
3. The learned counsel for the the petitioners has submitted that the petitioners have falsely been implicated in the present case and that it is a case where the petitioners had taken loan from one Sham Lal Baba, who had got the said loan arranged through the complainant Meenu Bala, who had issued cheques

in favour of petitioner No.1 and that infact the petitioner had already repaid the said amount. It has further been stated that at the time of taking the said loan, he had issued security cheques in favour of Sham Lal Baba, which he did not return and on account of which the petitioner No.2 submitted a complaint (Annexure P-4) to Senior Superintendent of Police, Gurdaspur.

4. Opposing the petition, the learned State counsel has submitted that the contention of the petitioners regarding having taken a loan from Sham Lal Baba cannot be accepted as the bank transactions clearly indicate that an amount of ₹3 lakhs had been transferred from the bank account of complainant Meenu Bala into the bank account of petitioner No.1-Anita Devi.
5. I have considered rival submissions addressed before this Court.
6. The learned counsel for the petitioners has not been able to explain as to on what count he had received the amount of ₹3 lakhs in his bank account from the bank account of complainant-Meenu Bala. The contention put forth that it was infact a loan from one Sham Lal Baba and that he had already returned it cannot be accepted as neither the factum of taking said loan is borne out nor the factum of having returned the said amount to Sham Lal Baba can be accepted at this stage as the said repayment of loan is stated to have been made by cash.
7. No ground for extending benefit of anticipatory bail is made out. The petition, as such, is dismissed.

2.7.2020

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge