IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-20089-2020

Date of Decision: 23.07.2020

Anurita Rani Sharma

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: - Mr. Sandeep Arora, Advocate for the petitioner.

Mr. MS Dua, Advocate for the complainant.

RAMENDRA JAIN, J. (ORAL)

Case has been taken up for hearing through video conferencing, due to pandemic Covid-19.

Mr. MS Dua, Advocate has put in appearance on behalf of complainant on his own, though he has not been impleaded as respondent. Vakalatnama sent by learned counsel for the complainant through e-mail is taken on record. Be tagged at the appropriate place.

Through this petition under Section 438 Cr.P.C., petitioner-Anurita Rani Sharma, has prayed for grant of anticipatory bail in case FIR No. 169 dated 16.06.2020 registered under Sections 406, 420 and 120-B IPC at Police Station Basti Bawa Khel, Jalandhar.

According to prosecution, petitioner and her husband-Vikas

Sharma, being joint owners agreed to sell house No. 4, measuring 2 kanals 7 marlas 216 Sq. Ft., situated at Village Khambra, for a total sale consideration of ₹98,00,000/- to complainant-Surjit Singh. In lieu thereof, petitioner and her husband received ₹65,00,000/- as earnest money, with a promise to execute sale deed on 18.07.2018. which was further extended to 15.12.2018. However, petitioner and her husband did not fulfill their promise, despite serving of legal notice by the complainant on 25.11.2019. Later on, complainant came to know that the house which was agreed to be sold by the petitioner and her husband was already mortgaged with Central Bank of India, RA Branch, Jalandhar for a sum of ₹96,50,000/- w.e.f. 29.08.2016. Thus, the petitioner and her husband knowingly with their dishonest intention defrauded and cheated the complainant with such a huge amount of ₹65,00,000/-.

Learned counsel *inter alia* contends that petitioner has falsely been implicated in the instant case. Payment of ₹65,00,000/- in cash by the complainant to petitioner and her husband is quite impossible, without disclosing the source. In fact, her husband had obtained a loan of ₹10,00,000/- from Sharanjit Singh son of complainant. To secure the said loan, complainant and his son got issued four cheques from the husband of petitioner and with fraudulent intention took signatures of petitioner and her husband on blank papers which were misused by converting the same into alleged agreement to sell, which is a forged document. Thus, husband of the petitioner filed a civil suit against the complainant and his son in which status quo has been granted. It is a civil dispute between the parties.

Since the allegations against the petitioner and her husband are of cheating and committing fraud of huge amount of ₹65,00,000/- from the complainant, therefore, it is apparent that petitioner and her husband are of great criminal ill. Therefore, she does not deserve the concession of anticipatory bail, inasmuch as, she is required for custodial interrogation to know the *modus operandi* and method of cheating the complainant. That apart, recovery of said amount has to be effected from the petitioner or her husband.

Dismissed.

July 23, 2020 **(RAMENDRA JAIN)**
rishu **JUDGE**

Whether speaking/reasoned **Yes/No**
Whether Reportable **Yes/No**