

CRM-M-23989-2020

Date of decision :28.08.2020

Shilpa Aggarwal

...Petitioner

Vs.

State of U.T. Chandigarh

...Respondent

**CORAM: HON'BLE MRS. JUSTICE ALKA SARIN**

Present: Mr. Balkar Singh, Advocate for the petitioner.

Mr. Ashu Mohan Punchhi, PP for U.T. Chandigarh with  
Mr. Anupam Bansal, Advocate.**ALKA SARIN, J. (ORAL)**

Heard through Video Conferencing.

This is a petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in FIR No.150 dated 23.05.2017 under Section 420 of Indian Penal Code, 1860 registered at Police Station Sector 34, Chandigarh.

The allegations in the FIR are that one Jaswinder Singh Gill is stated to have given Rs.20,00,000/- to the petitioner in the year 2015 for sending his son Vishwajeet Singh Gill abroad on a study visa but the petitioner neither sent his son abroad nor returned his amount. Hence, the FIR.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 27.05.2017 and that the trial is not proceeding.

Learned Public Prosecutor, on instructions from ASI Zile Singh, states that there are 40 cases of similar nature pending against the petitioner and most of them have been filed in Punjab. He further submits that the petitioner has been convicted in 10 cases under Section 138 of the Negotiable Instruments Act, 1881 (in short 'NI Act').

Mr. Punchhi further submits that the petitioner has defrauded unsuspecting people, who are desirous of sending their children abroad, of crores of rupees.

I have heard learned counsel for the parties.

The present petitioner has been convicted in 10 cases under Section 138 of the NI Act and there are 40 other cases pending against the petitioner of similar nature. Further, the fraud played by the petitioner on the gullible people, who have been lured by the promises of the petitioner to send their children abroad for better life and future and greener pastures, runs into crores of rupees. Naïve people fall for the allurements held out to them, dreaming of a better life for their children and end up not only losing their entire life savings but also in debt.

Keeping in view the antecedents of the petitioner and the cases pending against her, it appears that the petitioner is a habitual offender.

In view of the above, without commenting on the merits of the case, I do not find this to be a fit case for grant of bail. The present petition is hence dismissed.

August 28, 2020  
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**(ALKA SARIN)**  
**JUDGE**

Whether speaking/reasonable: Yes/No.

Whether reportable : Yes/No.