

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

CRM-M-38479-2020

Date of Decision: 19.11.2020

Aruna Rai

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mrs. Justice Archana Puri

Present : Mr. Vipul Dharmani, Advocate
for the petitioner.

ARCHANA PURI, J.(Oral)

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The present petition has been filed under section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 225 dated 25.10.2020 registered at Police Station Amargah, District Sangrur under Sections 406, 420, 120-B of IPC, 1860.

Notice of motion.

Mr. M.S. Dullat, DAG, Punjab accepts notice on behalf of the respondent-State. Ms. G.K. Mann, has appeared on behalf of the complainant and filed power of attorney.

Heard on the petition.

The aforesaid case was registered at the instance of the complainant-Hardeep Singh on the accusations, that the present petitioner-Aruna Rai along with her husband Anmolpreet Singh has cheated the complainant and his friend-Inderjit Singh and induced them to deliver Rs.35,00,000/- on the pretext of earning huge amount by opening a music

company as her husband-Anmolpreet Singh is a singer and she executed the limited liability partnership agreement for opening a music Company to run the business of production, distributions, sale and purchase of all kind of film, motion, pictures, music videos and music albums by showing Inderjit Singh as the designated partner. However, Aruna Rai had removed Inderjit Singh from the said partnership and joined her husband-Anmolpreet Singh in the said partnership firm, as a designated partner in 2019, without bringing it to the notice of the complainant. It is also stated that no amount as profit was paid to the complainant and his friend-Inderjit Singh. Even the cheque of Rs.35,00,000/- which was issued by the petitioner was dishonored. Instead of making the payment, it was alleged that the cheque has been lost, relating to which DDR has been lodged on 18.09.2019, regarding the loss of the said cheque. Even, details of bank account of Hardeep Singh has been given, which shows different amounts paid on various dates and the amount of Rs.7,50,000/- was paid in cash. However, despite the said amount having been paid, no profits had been shared by the petitioner with the complainant or his friend Inderjeet Singh. In view of the same, now prayer is made for grant of anticipatory bail.

On the contrary, learned counsel for the complainant submits that the petitioner has dishonestly induced the complainant-Hardeep Singh and his friend-Inderjit Singh to part with huge amount of Rs.35,00,000/- and qua the same, with the dishonest intention, petitioner had issued the cheque which was dishonored and she had failed to either return the amount of Rs.35,00,000/- or share the profit of the firm. Considering her conduct, it is submitted that no case is made out for grant of anticipatory bail to the petitioner. On the similar lines, even learned State counsel has refuted the

claim of the petitioner.

It is also submitted by the counsel for the petitioner that up to 31.03.2018, the amount due towards Inderjit Singh was Rs.6,00,000/- and towards Aruna Rai was Rs. 5,05,000/- but however the said amount could not be paid to the partners as there was no profit by the partnership firm.

However, considering the contents of the FIR seemingly, it is a case of civil nature as dispute between the parties relate to the non sharing of the profit or loss of the partnership firm concretized between them. The dispute has arisen relating to the payment of the amount so invested and non sharing of the profits. Considering the civil clippings of the disputes, without dilating further on merits of the case, I deem it appropriate to grant anticipatory bail to the petitioner. Accordingly, the present petition is allowed. In the event of their arrest, the petitioner shall be released on bail by the Investigation Officer/Arresting Officer to his satisfaction and she shall abide by the conditions of Section 438(2) Cr.P.C.

(ARCHANA PURI)
JUDGE

19.11.2020

Parveen Sharma

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No