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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.708 of 2021 (O&M)

Date of decision: 08.01.2021

Amarjit Kaur

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Pradeep Virk, Advocate
for the petitioner.

Mr. Jagmohan S. Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this 2nd petition is for grant of anticipatory bail to the petitioner in FIR No.453 dated 10.10.2020 registered under Sections 416, 419, 420, 468 and 120-B IPC at Police Station Islamabad, District Police Commissionerate, Amritsar.

The earlier one was dismissed on merits by passing the following order on 22.12.2020:-

“Learned counsel for the petitioner submits that as per allegations in the FIR, the complainant stated that he is the Secretary of the AICC in charge of Bihar and he has received a telephonic call on 07.10.2020 from a person, namely Mukesh Kumar Singh that he is an aspirant for the Congress party ticket in the Barbiga Assembly constituency (AC No.117) in the forthcoming 2020 Bihar Assembly Elections. Later on, said Mukesh Kumar Singh informed complainant that he received a number of telephone calls from a person, who the complainant believed to be a fraudster or impersonator, posing himself as Kanishka Singh.

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It was further stated in the FIR that the said person told the complainant that he is calling from the office of Rahul Gandhi, Member of Parliament and he is seeking money from Mukesh Kumar Singh for securing the congress party ticket from Barbigaha.

It was further stated that the amount be transferred to current account No.919020057219065 in Axis Bank. These phone conversations were shared with the complainant. Thereafter, on finding that some fraud is being played, after obtaining details, the FIR was registered.

Learned counsel for the petitioner submits that the petitioner is having an Airtel Online Banking Business and M/s Rahul Sharma is an authorized person for the banking point and numerous transactions had taken place in the account of the petitioner and has relied upon certain documents in that regard.

However, learned counsel for the petitioner could not dispute the fact that the amount was transferred in her account and after receiving the said amount, the same was transferred to some other account.

After hearing learned counsel for the petitioner and looking into the serious allegations that the co accused was demanding money for securing a party ticket for Bihar Assembly Elections, 2020 and the amount was transferred in the account of petitioner, I find no ground to grant concession of anticipatory bail to the petitioner.

Accordingly, the present petition for grant of anticipatory bail is dismissed.

However, on the request of learned counsel for the petitioner, the petitioner is granted liberty to surrender before the trial Court within a period of seven days from today and in case she moves any regular bail application before the trial Court, the same shall be decided expeditiously, preferably within a period of three days

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thereafter.”

Counsel for the petitioner has re-argued the entire case on the points which were available to the petitioner when the aforesaid case was decided.

The only additional argument raised by the petitioner is that in the disclosure statement of the co-accused Gaurav Kumar @ Gora and Rahul Sharma, it has come that when the amount was offered, Rahul Sharma was given Rs.2.30 lacs and an amount of Rs.15.30 lacs was deposited in the Account No.919020057219065, which is the account number of the firm of the petitioner. Be whatsoever, counsel for the petitioner could not dispute the fact that the said account belongs to the petitioner as noticed in the earlier order.

In view of the above, finding no merit, no ground for grant of anticipatory bail is made out.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

08.01.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No