

In virtual Court

CRM-M-13822-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13822-2021 (O&M)
Date of decision: 27.08.2021

Sadhana Dubey

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Deepak Balyan, Advocate
for the petitioner.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab.

Mr. A.S. Salar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.2 dated 09.06.2018 under Sections 406, 420 IPC and Section 66 of I.T. Act, registered at Police Station State Cyber Crime, SAS Nagar.

While granting interim bail to the petitioner, following order was passed by this Court on 26.03.2021: -

“...Learned counsel for the petitioner submits that the petitioner is an old lady aged about 68 years and is suffering from age related health problems. It is further submitted that the petitioner is a resident of Chhattisgarh and her husband is a doctor, who is

running a hospital and as per the FIR, there is no allegation against her.

Learned counsel further submits that as per allegations in the FIR, registered on the complaint of Sumit Sidhu, Director, Sahib Tradelinks Pvt. Ltd., the representatives of AppsDaily Solutions Pvt. Ltd. approached the complainant for setting a business agreement by offering him national distributorship for sale of insurance plans, extended warranty and damage protection for mobile phone. It was offered that the same can be purchased by way of online internet mobile application through AppsDaily Wallet recharge points, which the complainant can sell. It is further stated in the FIR that the complainant was made distributor and he had invested Rs.3.25 crores for the purchase of wallet points, but the accused company and its directors cheated the complainant, as neither they could provide the services as promised nor the accused company transferred the wallet points equal to the invested amount of Rs.3.25 crores and only wallet points of Rs.1.5 crore were transferred.

Learned counsel for the petitioner has further submitted that primary allegations are against co-accused Arun Kumar Menon and his brother Ajay Kumar Menon. It is also submitted that the petitioner is mother-in-law of one of the director Ajay Kumar Menon. It is next submitted that there was no previty of contract between the petitioner and the complainant as per allegations in

the FIR and the petitioner came to know about pendency of the FIR, when she was served with a notice under Section 41A(1) Cr.P.C. to appear before the Investigating Officer on 09.06.2020. It is further submitted that due to COVID-19 situation, the petitioner approached the High Court of Chhattisgarh, Bilaspur, where she was granted transit bail and thereafter, she moved an application before the Court of Sessions, SAS Nagar, which was dismissed.

Learned counsel for the petitioner has argued that the petitioner has no direct dealing with the complainant; the offences are triable by the Court of Magistrate and main accused, against whom, the allegations of handing over the money are there, have been arrested and have already been granted the concession of regular bail.

In reply, learned State counsel, assisted by learned counsel for the complainant, has, however, submitted that as per the investigation, main accused Ajay Kumar Menon and Arun Kumar Menon transferred an amount of Rs.90.00 lacs in the account of their sub dealer Rajnish Jain, who further transferred the amount of Rs.50.00 lacs in the account of the petitioner on the very next day and again, on the next day, Rs.25.00 lacs each were transferred in the accounts of Ajay Kumar Menon and Arun Kumar Menon. It is further submitted that in order to find out how this transaction took place, custodial interrogation of the

petitioner is required. It is also submitted that the anticipatory bail of co-accused Rajnish Jain was dismissed, whereas it is not disputed that regular bail application of main accused Ajay Kumar Menon and Arun Kumar Menon, who were the persons responsible for AppsDaily Solutions Pvt. Ltd., have been granted the concession of regular bail...”

Learned counsel for the petitioner submits that in compliance of the aforesaid order, the petitioner has joined the investigation and is no more required for further investigation.

Learned State counsel, on instructions from Inspector Gagandeep Singh, has not disputed the factual position and submits that the petitioner is no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 26.03.2021 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

[ARVIND SINGH SANGWAN]
JUDGE

27.08.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No