

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

CRM-M No.28429 of 2021

Date of Decision: 26-10-2021.

Anju Prakash

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Vishal Kashyap, Deputy Advocate
General, Haryana.

Mr. Sanjiv Sheoran, Advocate,
for the complainant.

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MEENAKSHI I. MEHTA, J.

Apprehending her arrest in the criminal case pertaining to the FIR bearing No.167 dated 23.03.2021 as registered at Police Station City Panipat, District Panipat, under Sections 420 & 406 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

2. Shorn and short of unnecessary details, the allegations levelled by complainant-Swami Ganeshanand, President of Ananda Yoga-Ashram Trust, New Delhi, in the subject FIR, are that the petitioner and her co-accused namely Chaman Parkash, Pawan, Jagbir and Baljit, duped him of an amount of Rs.22,55,000/- on the pretext of depositing the same in the CSR Fund and they took him to a Flat in

Karnal and started printing counterfeit currency while saying that they would pay the same to the above-said Trust and on his refusal to receive the same, they abused and also gave beatings to him. Later-on, he (complainant) called the petitioner to City Heart Hotel while telling her that he wanted to pay another amount of Rs.15,00,000/- to her and after some time, the police reached there and took him, his wife and brother, along-with the petitioner, to the Police Station and the petitioner gave a written acknowledgement regarding receipt of a sum of Rs.20,00,000/- from him.

3. Reply filed on behalf of the respondent-State, Annexure R-1 and the additional affidavit of the Deputy Superintendent of Police, City Panipat, along-with Annexures R-1 to R-11, have already been placed on the file.

4. I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for the complainant) in the instant petition and have also perused the file thoroughly.

5. Learned counsel for the petitioner has contended that the complainant has not given the details of the dates and the time of the alleged payment of the amounts by him to the petitioner and except the written acknowledgement/undertaking as allegedly given by the petitioner qua settlement of the account with the complainant, no other material is available with the complainant to show the alleged payment of the above-said amount by him to the petitioner and even the said written acknowledgement/undertaking had been signed by the petitioner at the Police Station under the pressure and coercion at the hands of the

police officials and moreover, three co-accused of the petitioner have already been extended the relief of anticipatory bail by the Court below and in these circumstances, the petitioner also deserves the relief as prayed for in the instant petition.

6. Per-contra, learned State counsel has argued that the petitioner had given in writing (Annexure R-2) that she would settle the account with the complainant and though she was given the interim relief by the Court below but she did not co-operate with the Investigating Agency and her application for seeking anticipatory bail has been dismissed on this score and in such circumstances, this petition be dismissed.

7. Mere fact that the details of the dates and time of the alleged payment of the amount by the complainant to the petitioner have not been mentioned in the FIR, does not suffice at all, at this stage, to negate the entire version of the complainant and the Investigating Agency in this case. Even otherwise, this fact can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the course of the trial. To add to it, a bare perusal of Annexure R-2 reveals that the petitioner had given the written undertaking to settle the account of the complainant qua the amount taken by her from him, while seeking time up to 28.02.2021 for this purpose. At this moment, there is nothing on the file to show that the petitioner had given the above-said undertaking under pressure or coercion at the instance of the police.

8. Further, even if the co-accused of the petitioner named Chaman Parkash, Dinesh Kumar and Yashwinder Kumar have been granted the relief of anticipatory bail by the Court below, even then the fact remains that the role, as attributed to the petitioner in the alleged crime, is on a different footing from that of her above-said co-accused because it is the petitioner, who is alleged to have received the above-said amount from the complainant and therefore, she cannot claim the relief of anticipatory bail on the basis of parity.

9. To cap it all, it has categorically been mentioned in the reply initially filed on behalf of the respondent-State that the petitioner was granted the interim relief by the Court below and though, she had joined in the investigation but she did not cooperate with the police and kept on telling the lies and finally, her application for anticipatory bail was dismissed. Thus, it is explicit that the petitioner had misused the concession of interim bail as granted to her by the Court below.

10. As a sequel to the fore-going discussion, it follows that the petitioner does not deserve the relief of anticipatory bail and the petition in hand, being *sans* any merit, deserves dismissal. Resultantly, the same stands dismissed accordingly.

However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

26th October, 2021.
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned?	Yes
Whether Reportable?	No