

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

CRM-M No.36249 of 2021

Date of Decision: November 11, 2021

Manjit Kaur

...Petitioner

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. R.K. Handa, Advocate for the petitioner.

Mr. Y.S. Rathore, APP for U.T., Chandigarh.

Amol Rattan Singh, J. (Oral)

Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C., the petitioner seeks the concession of anticipatory bail, upon FIR No.64, dated 19.08.2021, having been registered at Police Station Sector 49, Chandigarh, alleging therein the commission of offences punishable under Sections 420 and 406 of the IPC.

On 30.09 2021, the following order had been passed by this court:-

“Case heard by way of video conferencing.

Pursuant to the order of this court dated 14.09.2021, a short affidavit of Ms. Shruti Arora, ASP, South Division, Chandigarh, dated 24.09.2021, has been filed, which is ordered to be taken on record.

As per the said affidavit, other than the FIR in question presently, i.e. FIR no.64 of 2021, there are three FIRs registered arraigning the petitioner as an accused therein, all of the same nature, with the total amount that the petitioner is still to repay those whom she is alleged to have duped, being Rs.9,23,78,000/-.

It is also stated in the said affidavit by the ASP that in the context of one FIR, bearing no.34 dated 12.05.2021, the petitioner has been admitted to bail. Obviously, therefore she has not been admitted to bail qua the three other cases, including the one presently in question, though she is stated to have filed a petition seeking quashing of FIR no.13 dated 05.03.2021, in which case the next date of hearing is 22.11.2021 before this court.

It is to be also observed by this court though Mr. Jhanji, learned senior counsel appearing for the petitioner today, has submitted that the petitioner is willing to return the entire money as may be due from her to various complainants etc., if she is given some time to do the same, and therefore she may be admitted to interim bail for that purpose; yet, see that even if the contention is to be accepted at face value, any order passed in a single petition admitting her to interim bail, would be fruitless and purposeless, because obviously when there are other FIRs also registered against her, in the context of which she has not been admitted to bail, she will not even surrender before the arresting officer to be admitted to bail in the context of the case in question presently, as she would obviously be arrested in the context of the other two cases.

Hence, on the request of Mr. Jhanji, who submits that similar applications are in the process being filed in the other cases, adjourned to 14.10.2021, with it made clear that whether or not the petitioner is to be admitted to bail at all, would be dependent on whether she is able to show that she has enough resources to pay back the money that she allegedly has duped various complainants of, and if not, I would see no reason to even grant her a chance to do so.

Naturally even if she is able to show this court to that effect, whether she is to be admitted to bail or not, would obviously be considered after arguments are heard on behalf of the learned Addl. Public Prosecutor also.”

Thereafter, on 14.10.2021, learned counsel for the petitioner had submitted that the petitioner has already returned about Rs.22 lacs to the persons that she was alleged to have duped, with Rs.18 lacs still remaining to be paid, but with the learned Addl. PP, U.T., Chandigarh, however denying that contention raised by the learned counsel for the petitioner.

Even so, with learned counsel for the petitioner on that date having submitted that the petitioner would make the remaining payment to the satisfaction of the complainant within one week, she was directed to join investigation, with the complainant to appear along with her before the Illaqa Magistrate by 21.10.2021, to state that she had settled the matter with her, or, in the alternative, with the petitioner to deposit Rs.18 lacs by way of a demand draft in the name of the complainant (on that date).

Upon her doing so, she was ordered to be admitted to interim bail upon her furnishing adequate bail bonds and surety bonds to the satisfaction of the Duty Magistrate till the next date of hearing before this

court, i.e. 25.10.2021 at that stage.

[It is seen that in the order dated 14.10.2021, the date which the petitioner was to appear before the Illaqa Magistrate has been shown to be 21.11.2021 but that is obviously a typographical error because immediately before that it is stated that she would appear before the Illaqa Magistrate within one week of 14.10.2021, i.e. she was to appear by 21.10.2021].

On 25.10.2021 thereafter, the following order had been recorded by this Court:

“Case heard via video conferencing.

The petitioner has still not joined investigation despite the order dated 14.10.2021.

Consequently, this petition deserves to be dismissed today itself. However, Mr. Handa still assures the court that the petitioner has already contacted the complainant and has assured that she would be paying money in installments.

Adjourned to 11.11.2021.

It is made clear that with the petitioner not having joined investigation at all, there is no interim protection in her favour at this stage and the order granting her interim protection on 14.10.2021 stands vacated.

However, simply to determine as to whether the petitioner is even slightly sincere about returning any money of substantial amount to the complainant, the petition is not being dismissed today.”

Today, on query, learned counsel for the U.T., Chandigarh, again reiterates that the petitioner has neither been present before the Illaqa Magistrate nor has she returned any sum to the complainant.

That being so, though learned counsel for the petitioner

vehemently argues that the petitioner still deserves to remain on interim bail,
I see no ground to entertain this petition any further, which is consequently
dismissed with the interim order dated 14.10.2021 vacated.

November 11, 2021

(AMOL RATTAN SINGH)

sarita

JUDGE

Whether reasoned/speaking: Yes

Whether reportable: No