**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**
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**CRM-M-49563 of 2021
Date of decision: 14.12.2021**

Vandana Devi

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjeev Chopra and Mr. Anil Sharma, Advocates for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

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AVNEESH JHINGAN, J (Oral):

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR No. 183 dated 9.5.2020, under Sections 419 and 420 IPC, registered at Police Station Kotwali, Faridabad.

The FIR was got registered at the instance of Anil Kumar, partner of M/s Industrial Chemicals, Nehru Ground, Faridabad having bank account in Indusind Bank Ltd. The allegations are that on 30.9.2019, two forged RTGS transactions of Rs.2,00,000/- each were made from his account to the account of Vandana Devi (petitioner). The matter was reported to the Customer Care of the bank. The police registered the FIR.

The petitioner moved an application for anticipatory bail which was declined by Additional Sessions Judge, Faridabad vide order dated 11.8.2021 by passing a speaking order. The order declining the anticipatory bail was not challenged. However, a second anticipatory bail application was filed. It was argued that on the complaint filed by the petitioner, FIR was registered against Dipti Dubey @ Kalpana Dubey. The application was rejected on the ground of maintainability that without change in circumstances the second anticipatory bail application was filed.

Learned counsel for the petitioner argues that the petitioner while looking for a job, came in contact with Dipti Dubey @ Kalpana Dubey, on her asking four bank accounts were opened. Thereafter petitioner handed over the details and ATM card of the bank account to Dipti Dubey @ Kalpna Dubey. He further argues that Dipti Dubey @ Kalpana Dubey is the real culprit. The petitioner on coming to know that there are transactions in her bank account, approached the Customer Care of the Bank, on their asking she filed a complaint to the police authorities in 2019 itself and the bank accounts were freezed. The contention is that after dismissal of the first application for anticipatory bail, now the complaint has culminated into an FIR.

Learned counsel for the State opposes the prayer for grant of anticipatory bail. He submits that it is a case of on-line fraud and needs a deeper probe. The petitioner was successful in avoiding arrest and delaying investigation for almost 1-1/2 years. He further argues that without there being any change in circumstances second application for anticipatory bail has rightly been dismissed.

It would not be appropriate for this court at this stage to go into the details of the contentions raised on merits by learned counsel for the petitioner. Suffice to say that the version put forth would be a defence available to the petitioner during trial. It is not disputed by learned counsel for the petitioner that the complaint filed against Dipti Dubey @ Kalpana Dubey was within the knowledge of the petitioner while filing the first application for anticipatory bail. Mere fact that the FIR has been registered on the basis of a complaint is not a change in circumstance for filing second application for anticipatory bail.

The Supreme Court in **G. R. Ananda Babu v. State of Tamil Nadu and another, 2021(1) RCR (Criminal) 843** has deprecated filing of successive bail petitions.

It would be appropriate to note that it is an admitted case that four bank accounts were opened by the petitioner and the amounts were transferred in her bank account through alleged forged RTGS transactions for which a deeper probe is required. Present petition is a case of economic offence.

Supreme Court in **State of Gujarat v. Mohanlal Jitamalji Porwal and others, (1987) 2 SCC 364** observed as under:

> *"5. ….The entire community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the community. A disregard for the interest of the community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even-handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful*

of the damage done to the national economy and national interest….."

In **Y.S. Jagan Mohan Reddy Versus CBI (2013) 7 SCC 439,** the Supreme Court held as under:-

"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep-rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

35. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations."

Learned counsel for the petitioner has not been able to pointed out any illegality in the impugned order or to make a case for anticipatory bail.

The petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

14th December, 2021
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1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No