

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

Sr. No.214

CRM-M-38361-2019

Date of decision: 06.09.2021

Monika Rana and another

....Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Lekh Raj Sharma, Advocate, for the petitioners.

Mr. Praveen Bhadu, Asstt. A.G., Haryana.

Mr. Ashish Aggarwal, Senior Advocate with
Mr. Vipul Sharma, Advocate, for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.473 dated 29.07.2019 registered under Sections 406, 420, 467, 468, 120-B IPC at Police Station DLF, Gurugram.

Briefly stated, the case of the prosecution is that the petitioners, who are husband and wife and owners of M/s Envy - The Nail Bar, Gurugram, allured the complainant to invest in the Beauty Salon business; they assured her of substantial returns from her investment; initially, the petitioners showed the complainant their Salon and then after discussing with her business ideas induced her to invest; taken in by their sweet talk

the complainant, after taking loans from different Banks/Institutions, transferred Rs.36,50,000 lakhs in petitioner No.1's account; even after the passage of several months neither the petitioners started any business venture with her nor returned her money; on great persuasion by the complainant, the petitioners entered into a memorandum of understanding (for short – MOU) with the complainant agreeing to repay the entire amount of Rs.36,50,000 lakhs to her; in terms of the MOU, five post dated cheques of Rs.1,00,000/- each were given by the petitioners to the complainant which on presentation were dishonoured and that when the complainant approached the petitioners she was not only abused but also threatened by them.

Learned counsel for the petitioners submitted that both the petitioners come from respectable backgrounds; they are not criminals; the dispute between the petitioners and the complainant is a business transaction which has gone bad; the dispute, if any, is a civil dispute; the dispute between the parties being a civil dispute no custodial interrogation of the petitioners is necessary and that the petitioners are in the process of accumulating funds to amicably settle their dispute with both the complainant as also other aggrieved investors.

Learned State counsel as also learned Senior counsel appearing for the complainant submitted that the petitioners are habitual offenders; they are involved in another FIR of a similar nature being FIR No.404 dated 08.09.2019 registered under Sections 406, 420, 504, 506 IPC at Police Station Link Road, Ghaziabad; they have 08 other complaints under Sections 138 of the Negotiable Instruments Act, 1881 (for short – the Act)

pending against them; both the petitioners have multiple pan cards reflecting their fraudulent intentions; both the petitioners are proclaimed offenders; five post dated cheques of Rs.1,00,000/- each which had been handed over by the petitioners to the complainant as part payment towards the MOU arrived at between them were dishonoured further showing the dishonest intention on the petitioners' part and that the complainant has been defrauded by the petitioners for an amount of Rs.36,50,000 lakhs which had been taken on loan by the complainant and had been transferred in the bank account of petitioner No.1 (petitioner No.2's wife).

Admittedly, both the petitioners are proclaimed offenders; there are 08 complaints under Section 138 of the Act pending against them and that the five post dated cheques issued by the petitioners to the complainant of Rs.1,00,000/- each, on presentation were dishonoured.

In view of the above conduct of the petitioners and the serious allegations in the present case of having defrauded the complainant for a sum of Rs.36,50,000 lakhs as also in the light of the allegations against them of having multiple pan cards, the present case is not considered a fit one for the grant of anticipatory bail.

Dismissed.

September 06, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No