

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201-5)

1. CRM-M-25896-2019

Richa SinghPetitioner

Versus

State of Haryana and anotherRespondents

2. CRM-M-25867-2019

Indu Bala JadonPetitioner

Versus

State of Haryana and anotherRespondents

Date of Decision: - 19.01.2022

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Diljit Singh Ahluwalia, Advocate,
for the petitioner (in both the petitions).

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Manish Soni, Advocate and
Mr. Abhilaksh Grover, Advocate
for respondent No.2.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This order would dispose of two petitions filed by two
Petitioners for the grant of anticipatory bail in FIR No.293 dated

04.06.2019, under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Sector 53, Gurugram.

First petition has been filed by petitioner-Richa Singh i.e. CRM-M-25896-2019, who is the wife of respondent No.2-Praveen Prafulla Jakate/complainant. Second petition has been filed by petitioner-Indu Bala Jadon i.e. CRM-M-25867-2019, who is the mother-in-law of the respondent No.2-Praveen Prafulla Jakate/complainant. With the consent of the learned counsel for all the parties, CRM-M-25896-2019 is being treated as the lead case.

Learned counsel for the petitioners has submitted that initially the present anticipatory petitions were filed in complaint No.1295-P dated 28.03.2019 and after the filing of the present petitions, FIR No. 293 dated 04.06.2019 was registered on the basis of the complaint No.1295-P dated 28.03.2019. It is submitted that the petitioners had moved separate applications for amending the said petitions under Section 438 CrPC, in which prayer was made for grant of anticipatory bail in FIR No. 293 dated 04.06.2019 and the said Criminal Miscellaneous Application no. 19117 of 2019 and 19126 of 2019, filed by the petitioners- Richa Singh and Indu Bala Jadon, respectively, were allowed vide two separate orders dated 12.06.2019 and both the petitioners-Richa Singh and Indu Bala Jadon were granted interim protection by a Co-ordinate Bench of this Court on the said date.

The FIR in the present case has been registered on the complaint of respondent No.2-Praveen Prafulla Jakate, in which, it has

been alleged that in the year 2014, respondent No.2-complainant had signed some documents which were required for the incorporation of the LLP/Company, but subsequent to the incorporation of the said LLP/Company, respondent No.2 had never signed any document and it was on the request of petitioner Richa Singh, that respondent No.2 had given a loan of Rs.17 lakhs as a short term loan to M/s Pollentia Solutions LLP on 13.05.2015 and the same was supposed to be paid back by 12.05.2016 along with 12% interest per annum but the said loan or the interest thereupon, was never repaid to the complainant. It has been further alleged that whenever the complainant enquired from the accused persons about the transactions and business of M/s Pollentia Solutions, they avoided the same and never shared any details and misappropriated the loan amount to buy a Mercedes car for their personal use. It has also been alleged in the FIR that certain documents which were never signed by respondent No.2 had been forged as they were shown to carry the signatures of respondent No.2. The Board Resolution dated 10.03.2015 has been stated to be a forged document and by virtue of the said Resolution, the accused persons had declared the property owned by respondent No.2 as the registered office of the LLP/Company, without the consent and authority of respondent No.2. It has also been alleged that the activities of the accused were suspicious even with respect to the service contract having been given to M/s Pollentia Solutions LLP as after making inquiries, it was discovered that no such consulting contract had been executed although, the service contract was got prepared from

respondent No.2 by the petitioner-Richa Singh. It is further alleged that the sources and the business, through which the money came into the account of the firm, was never disclosed by the accused to the complainant. It has further been alleged that the petitioner Richa Singh had also sent a message to respondent No.2 to the effect that she would find a way to convert the “cash bonus” into Pollentia and in order to restrain the complainant from demanding the repayment of the loan given by him, the petitioner-Richa Singh got him involved in FIR under Sections 377, 506 and 509 IPC.

On 12.06.2019, a Co-ordinate Bench of this Court was pleased to pass the following order: -

“Notice of motion.

On the asking of the Court, Mr. Vikrant Pamboo, DAG, Haryana accepts notice on behalf of respondent No.1-State and Mr. Manish Soni, Advocate appears and accepts notice on behalf of respondent No.2-complainant. Copies of complete paper books have been supplied to them.

Adjourned to 15.07.2019.

In the meanwhile, petitioner is directed to surrender before the Arresting/Investigating Officer and join the investigation. On doing so, she shall be released on interim bail, subject to her furnishing bonds to the satisfaction of Arresting/Investigating Officer. However, she shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. failing which she shall lose the benefit of interim bail allowed to her.

(RAJ SHEKHAR ATTRI)
JUDGE

June 12, 2019.
Sandeep”

Learned counsel for the petitioners has submitted that in pursuance of the order reproduced hereinabove, the petitioners have joined the investigation and have also paid an amount of Rs.17 lakhs to respondent No.2/complainant.

Learned counsel appearing on behalf of respondent No.2 have submitted that in the present cases, the abovesaid amount of Rs.17 lakhs has been received and thus, respondent No.2/complainant has no objection in case the order dated 12.06.2019, passed by a Co-ordinate Bench of this Court, is made absolute and the Petitioners are granted the concession of anticipatory bail.

It would be relevant to note that several cases were filed by both the parties against each other. FIR No. 103/2018 dated 16.08.2018 under Section 323, 376, 377, 506 and 509 IPC was filed by Petitioners-Richa Singh against Respondent No. 2. Two FIRs i.e. FIR No. 232/2019 dated 22.04.2019 under Sections 120B, 420, 467, 468 and 471 IPC and FIR No. 293/2019 dated 04.06.2019 under Sections 120B, 420, 406, 474, 477A, 471, 467 and 468 IPC were got registered by Respondent no.2 against the present petitioners. Various petitions filed under Sections 482, 438 CrPC and Article 226 of the Indian Constitution were filed by both the parties before this Court seeking anticipatory bail/quashing of FIR. Most of the aforesaid matters were being heard together. Petitioners- Richa Singh and Indu Bala Jadon had filed a Special Leave to Appeal against the judgment of a Co-ordinate Bench of this Court dated 26.09.2019 passed in CWP-16040-2019. The Hon'ble Supreme Court of India after hearing

learned counsel for the parties was pleased to pass the following order
on 22.11.2019: -

“The present Special Leave Petition has been filed by the Petitioner-Wife and her mother wherein she has prayed that the investigation arising out of the second FIR dated 4th June, 2019 being FIR No.293 of 2019 filed by the husband be stayed, and the matter be referred to a Special Investigation Team (SIT).

We have gone through the Special Leave Petition and the documents appended thereto. We find that FIRs have been filed by the petitioner-wife and respondent No.7- husband against each other.

The wife has filed FIR No.103/2018 on 16.8.2018 under Sections 323, 376, 377, 506 and 509 IPC with the Gurugram Police Station.

The husband has filed two FIRs against the petitioner wife and her mother. The first FIR filed was FIR No.232/2019 dated 22nd April, 2019 under Sections 120B, 420, 467, 468 and 471 IPC before the Gurugram Police Station.

The second FIR filed by the husband is FIR No.293/2019 against the wife under Section 120B, 420, 406, 474, 477A, 471, 467 and 468 IPC.

With a view to bring about an overall settlement between the parties, we considered it appropriate to refer all the disputes which were arisen between the parties to Mediation by a former Judge of the Supreme Court. The Counsels appearing for both parties accepted the suggestion. As a consequence, we appoint Mr. Justice D.K. Jain, former Judge of this Court to conduct mediation proceedings between the parties to arrive at an amicable settlement on all issues including the property and corporate disputes between the parties. Both parties will share equally the costs of the Mediation.

During the pendency of Mediation proceedings, it is ordered that all proceedings arising out of FIR No.103 of 2018 dated 16.8.2018, FIR No.232/2019 dated 22.4.2019 and FIR No.293/2019 dated 04.6.2019 shall remain stayed.

Post the matter after the report is received from Mr. Justice D. K. Jain.”

A perusal of the abovesaid order would show that the prayer primarily made in the SLP was with respect to the stay of investigation arising out of the present FIR No.293 of 2019 which had been filed by respondent No.2-husband against the present petitioners and the Hon’ble Supreme Court was pleased to appoint Hon’ble Mr.Justice D.K. Jain, a former Judge of the Hon’ble Supreme Court, to conduct the mediation proceedings between the parties so as to arrive at an amicable settlement on all issues. It was ordered that the proceedings in the FIR’s involving the parties, including the present FIR, were stayed.

It was brought to the notice of this Court by learned counsel for both the parties that unfortunately the mediation proceedings had failed and thus, no amicable settlement could be arrived at. On 23.09.2021, when the said SLP came up for hearing before the Hon’ble Supreme Court, the following order was passed: -

“The counsel on instruction, wants to withdraw the present Special Leave Petition and also makes a request that he wants to withdraw the CWP No. 16040 of 2019 filed before the High Court of Punjab and Haryana. The Statement is taken on record. The Special Leave Petition in terms, as prayed, is dismissed since alternative remedy is available, at the command of the petitioner has been availed.”

After passing of the aforementioned order by the Hon’ble Supreme Court in the said SLP, learned counsel for the petitioner(s)

has pressed the present petitions for grant of anticipatory bail. As noticed above, since in the present case the primary dispute was with respect to the non-repayment of the loan amounting to Rs.17 Lacs by Petitioner-Richa Singh to Respondent no. 2, the same having been paid, the respondent no.2/complainant has no objection in case the present petitions are allowed.

Keeping in view the above-said facts and circumstances, moreso, the fact that the present dispute is arising out of a matrimonial dispute and has been pending since 2019 and the petitioners were granted interim protection in the year 2019 itself and they had also joined the investigation and the petitioner-Richa Singh, in compliance of order dated 12.06.2019, has paid an amount of Rs.17 lakhs to the complainant and the complainant has no objection in case the present petitions are allowed and the entire dispute is based on documentary evidence, and thus, the custodial interrogation of the petitioners would not be required and the petitioners have been on interim bail for the last two years and have never misused the said concession of interim anticipatory bail granted to them and petitioner-Richa Singh is a lady of 46 years of age and has two minor children, handicapped father, handicapped elder sister and mother to take care of, whereas, petitioner-Indu Bala Jadon is an old lady of 70 years of age, thus, the present petitions for the grant of anticipatory bail to the petitioners namely, Richa Singh and Indu Bala Jadon are allowed and the interim orders dated 12.06.2019 are made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present cases which are only for the purpose of adjudicating the present bail applications.

January 19, 2022
naresh.k

(**VIKAS BAHL**)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No