

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

Sr.No.205

**CRM-M No.37049 of 2020
Date of Decision: 17.01.2022**

Jaswinder Kaur

...Petitioner

Versus

State of Punjab and another

...Respondent

(Heard through Video-Conferencing)

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

Present: Ms. Promila Nain, Advocate,
for the petitioner.

Ms. Samina Dhir, Deputy Advocate General, Punjab
for respondent No.1-State.

Mr. Sarju Puri, Advocate
for respondent No.2-complainant.

MEENAKSHI I. MEHTA, J.

Apprehending her arrest in the criminal case arising out of the FIR bearing No.0096 dated 10.10.2020 registered at Police Station City Banga, District S.B.S. Nagar, under Sections 406 and 420 IPC, the petitioner has preferred this petition for seeking the relief of anticipatory bail.

Bereft of unnecessary details, the allegations, as levelled by complainant Vinod Kumar in the subject FIR, are that the petitioner was his close acquaintance and she promised to get him employed with Indian Railways and received a total amount of Rs.7.26 lacs from him on the said pretext, on different occasions but she failed to fulfill her promise. Then, she issued two cheques qua the repayment of the above-said amount but when presented in the concerned Banks, these cheques were dishonoured

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and thus, the petitioner has duped him of the above-said amount.

Written Reply has already been filed on behalf of the respondent-State, by way of the affidavit of Deputy Superintendent of Police, Banga, District S.B.S. Nagar.

I have heard learned counsel for the petitioner as well as learned State counsel (assisted by learned counsel for respondent No.2-complainant) in the present petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the petitioner had secured a loan of Rs.1,00,000/- from the complainant but however, she could not repay the same in time and she had never received the amount of Rs.7.26 lacs from the complainant on the pretext of arranging for any job for him and rather, she has been falsely implicated in this case and in these circumstances, she deserves the relief as prayed for in this petition.

Per-contra, learned State counsel has referred to Annexure R-1 and has pointed out that the petitioner had scribed this note in her own hand to acknowledge the receipt of the above-said amount from the complainant and he has argued that the petitioner cheated the complainant by taking the afore-said amount from him on the false promise of getting him employed in the Indian Railways.

Though, the petitioner claims that she had secured a loan of Rs.1,00,000/- only from the complainant but Annexure R-1/T (translated version of Annexure R-1) is the note/document shown to have been

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written by the petitioner acknowledging therein the receipt of Rs.7.26 lacs from the complainant. Moreover, as mentioned in para No.3 of the Reply, the petitioner had issued two cheques worth the afore-said amount but when presented by the complainant in the concerned Banks, the same were dishonoured. To add to it, it has also been categorically deposed in para No.4 therein that besides the present case, the petitioner is involved in three more cases and has already been convicted in one of those cases. To cap it all, in para No.9, it has also been specifically mentioned that the petitioner did not join in the inquiry/investigation despite having received several notices from the Inquiry/Investigating Officer in this regard.

Keeping in view the above-discussed facts and circumstances as well as the the gravity of the offence, as alleged to have been committed by the petitioner, this Court is of the considered opinion that she (petitioner) does not deserve the relief of anticipatory bail. Resultantly, the petition in hand stands dismissed.

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.

(MEENAKSHI I. MEHTA)
JUDGE

17.01.2022

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>