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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

—

CRM M 38171-2023 (O&M)

Date of Decision 09.10.2023

Divya

.....*Petitioner*

versus

State of Haryana

...Respondent

Coram Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. P S Sullar, Advocate for the petitioner

Rajbir Sehrawat, J, (Oral)

CRM - 33126-2023

Prayer in this application, filed under Section 482 of the Code of Criminal Procedure, is for placing on record the bank account statement of the petitioner of ICICI Bank (Annexure P-5) and also seeking exemption from filing the certified/true typed copy thereof.

Allowed as prayed for and document (Annexure P-5), is taken on record.

CRM M 38171-2023

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 154 dated 09.06.2023, registered under Sections 420, 406, 467, 468, 471 and 120-B of the Indian Penal Code, at Police Station Civil Lines, Rohtak, District Rohtak (Annexure P-1).

It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in

the crime as alleged against her. Even as per the case of the prosecution, the petitioner is alleged to have got transferred Rs.3,70,000.00 in her bank account. However, no date is specified, on which, the money was transferred to her account. The present criminal process has been set in motion against the petitioner only for the purpose of recovery of the amount. Instead, the complainant should have gone to the Civil Court. Counsel has further submitted that it was the complainant only, who had transferred the said amount in the bank account of the petitioner, therefore, no offence of fraud and deception is made out against the petitioner. The petitioner shall join the investigation as and when called for by the police. The petitioner deserves to be protected against her arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts notice on behalf of the respondent – State.

It is submitted by counsel for the State, being instructed by ASI Bijender that the petitioner is directly involved in the crime. In fact, as per the allegations of the complainant that he had obtained a Car loan from HDFC Bank, Model Town Branch. On account of some default, there were some overdue charges. The petitioner and her husband were known to the complainant. The petitioner, being a direct selling agent of HDFC Bank assured the complainant that she could get the overdue charges waived off and also got the Car loan cleared; but for that, the complainant will have to transfer a sum of Rs.3,70,000.00 in her account. The said amount was transferred by the complainant. Thereafter, the petitioner had allured the complainant to get home loan ensured from the State Bank of India. To win the confidence of the complainant, the petitioner had provided the 'No

Objection Certificate' from the HDFC Bank with regard to clearance of the Car loan. However, lateron, it was found that the Car loan against the petitioner was standing as such. When the complainant contacted the officials of the HDFC Bank and enquired about the NOC qua Car loan, it came to fore that the said No Objection Certificate was totally bogus; as the same was neither signed by the Bank official; nor was the same ever issued by the said Bank. However, in the meantime, the petitioner also got more money from the complainant on account of helping him out in getting the home loan sanctioned from the State Bank of India. In the process, the petitioner had managed to extract a sum of Rs.6,00,000/- from the complainant. Since the petitioner has committed a crime in a very clandestine manner, therefore, the police are required to unearth the true dimensions of the involvement of the petitioner in the crime. Therefore, the custodial interrogation of the petitioner is very much required. The petitioner does not deserve protection against her arrest, as she has committed a white collar crime in a very planned and surreptitious manner.

Keeping in view of the facts and circumstances available on the file, as well as, submissions made by counsel for the State, this Court does not find it appropriate to interfere in the matter, so as to grant concession of anticipatory bail to the petitioner, at this stage.

Dismissed.

(Rajbir Sehrawat)
Judge

09.10.2023
mohan bimbura

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No