

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-48710-2023 (O&M)
Date of Decision: 06.11.2023

Madhu Bala

. . . . Petitioner

Vs.

State of Punjab

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ashok Bhardwaj, Advocate, for the petitioner.

Mr. M.S.Nagra, AAG, Punjab.

Mr. Abnash Singh, Advocate, for the complainant.

DEEPAK GUPTA, J.

CRM-43998-2023

This is an application filed under Section 482 CrPC, moved by the complainant of the case, to place on record the requisite documents as Annexures A1 and A2 to show the habitual cheating by the petitioner.

Counsel for the non-applicants has no objection to allow the application.

Heard.

Application is allowed.

Annexures A1 & A2 are taken on record.

CRM-M-48710-2023

By way of this petition filed under Section 439 CrPC, petitioner prays for grant of regular bail in case FIR No.169 dated

15.06.2023 registered at Police Station Zirakpur, under Section 406/420 IPC.

2. FIR is based on the complaint made by Lalit Kapoor, as per which accused Madhu Bala (petitioner) had taken a showroom on rent from him for forex trading. On the inducement of petitioner and her husband, complainant and his known person namely Ajaib Singh invested money in the forex trading for good return. Initially return was given on the investment. Later on, an amount of ₹50 Lakh was invested in installments from 05.05.2022 to 31.05.2022, which was transferred in the bank account of the petitioner. However, petitioner failed to return the amount despite demands and rather, threatened the complainant to involve him in a false case.

3. It is contended by ld. counsel that it is a civil dispute, which has been given the criminal colour. Ld. counsel contends that money was given by the complainant for the purpose of investment and every such investor always knows the risk of profit/loss. Ld. counsel for the petitioner further submits that in order to show her *bona fide*, petitioner is ready to deposit a demand draft of ₹10 lakh before ld. trial Court within a week.

4. Though ld. State counsel along with counsel for the complainant initially showed resistance to the bail to be granted to the petitioner, having regard to her antecedents, but on the offer made by the counsel for the petitioner that petitioner is ready to deposit an amount of ₹10 lakh by way of a demand draft before the trial Court within a week, which would be given to the complainant, counsel for the complainant stated that he has no objection for grant of bail.

5. Apart from the aforesaid circumstances, counsel for the petitioner has also placed on record copy of an order dated 04.10.2023 passed by Id. CJM, SAS Nagar, Mohali, as per which petitioner had already been allowed bail in another FIR No.149 of 2023 registered against her at Police Station Phase-I, SAS Nagar, Mohali under Sections 406/420 IPC. Ld. counsel contends that that rest of the matters as referred by the complainant in CRM-43998-2023, pertain to cheque bounce cases. Two of the matters pertain to the transactions relating to the present FIR itself. It has also been rightly pointed out that case is triable by Magistrate; that trial may take time to conclude and that no purpose shall be served by keeping the petitioner detained, who is in custody since 04.07.2023.

6. Having regard to all the facts and circumstances as noted above, but without commenting anything further on merits of the case, petition is allowed. Petitioner is admitted to regular bail on her furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. Apart from usual terms of bail, this order is subject to the condition that petitioner shall deposit an amount of ₹10 lakh by way of demand draft within a week from the date of receipt of certified copy of this order before the trial Court concerned. On such deposit, the demand draft will be handed over to the complainant of the case.

Disposed of.

06.10.2023

Vivek

(DEEPAK GUPTA)
JUDGE

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No