

CRM-M-54627-2023

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(106)

[CRM-M-54627-2023](#)

Date of decision:- 02.11.2023

Sweety Singla and another ...Petitioners

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Chand Ram Olla, Advocate
for the petitioners.

...

SUVIR SEHGAL, J. (Oral)

1. This is the second petition filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-

FIR No.	Dated	Police Station	Section(s)
403	09.07.2019	City Sirsa, District Sirsa.	420, 406 and 120-B, IPC.

2. Petitioners are alleged to have duped the complainant of paddy crop worth Rs.8.34 crores. Petitioners had approached this Court at an earlier instance by filing separate petitions (CRM-M-9537-2021 and CRM-M-15687-2021) seeking grant of anticipatory bail, which were rejected by a co-ordinate Bench of this Court by order dated 23.05.2022, which is reproduced as under:-

“Prayer made in the above mentioned two petitions is for grant of concession of anticipatory bail to petitioners-Sweety Singla and Ashwani Singla in FIR No.403 dated 9.7.2019 under Sections 420, 406, 120-B IPC, registered at Police Station City Sirsa, District Sirsa.

Counsel for the petitioner submits that as per the allegations in the FIR, registered at the instance of Gurmit Singh that he is a Commission Agent having a shop in Grain Market. He came in contact with petitioner-Ashwani Singla and his co-accused Bunti, Accountant. They told him that they are having a rice seller in Lehragaga, Punjab and export the rice having business dealing in Punjab, Haryana and Delhi and they used to purchase the rice. It is further stated that Sweety Singla, wife of petitioner-Ashwani Singla and their son Shashi Singla are also partners in the same.

Thereafter, in 2018-19, the complainant started dealing with the accused persons after taking consultation with the Sirsa Grain Market Mandi Association, wherein a meeting was organized with the accused persons for the sale of the paddy crop to the accused, who has promised that after billing the paddy, he will be exporting it and making the payment to the victims.

It is also stated that from 1.4.2018 to 31.3.2019, the complainants has sold paddy crop of Rs.8,34,00,000/- and the amount was not paid. Despite the fact that the members of the association met the petitioners, they refused to make the payment and openly stated that they are not going to make the same.

It is stated that by alluring the complainant, the accused have succeeded in procuring paddy crop worth Rs.8,34,00,000/-, however, since the inception of the transactions their intention was to cheat the complainant.

Counsel for the petitioners submits that in pursuance to the cheque issued by the petitioners some complaints under Section 138 of Negotiable Instruments Act have been filed and the business of the petitioners went into losses.

In reply the learned State counsel, assisted by the counsel for the complainant, on the basis of the reply of DSP, Sirsa, after verifying the contents of the FIR, has stated that both the petitioners are partners in M/s Shiv Shakti Rice Mill, Sangrur and the custodial interrogation of the petitioners is required to know the details of the sale proceeds of the paddy crop, which was taken from the complainant.

Learned State counsel has further submitted that in investigation it has come that the petitioners have committed a fraud with the complainant and have misappropriated the amount of Rs.8,34,00,000/- by alluring him to sell paddy crop and with dishonest intention issued cheques which were also dishonoured by the bank. Learned State counsel further submitted that in order to further dupe the complainant side, the petitioners have set up an agreement to sell dated 19.1.2020 allegedly executed by petitioners-Ashwani Singla and his wife Sweety Singla in favour of the complainant but during the investigation it is found that the same is not genuine agreement as the signatures of accused Sweety Singla are not there and, thus, it is apparent that the intention of the petitioners was to cheat the complainant side as in the sequence of events, they have acted in such a manner to cheat the complainant.

Counsel for the complainant has additionally argued that the receipt of the paddy crop from the petitioners is not disputed and the petitioners have even manipulated the sale of his sheller in public auction conducted by Punjab National Bank and by paying some amount to his relative, they are still doing the same business and even at present stocks of crores of rupees are lying in his sheller but the intention of the petitioners from the very inception of the dealing with the complainant was to cheat him.

This Court finds that the petitioners have procured the interim order from this Court on the premise that they are ready to make some settlement with the complainant but despite availing number of opportunities and even after appearing before the Mediator where they again given more time but have failed to make the payment, this Court finds that it is not a fit case where the concession of anticipatory bail be granted to the petitioners.

In view of the above, both the above mentioned petitions are dismissed.”

3. During the course of the arguments before this Court, counsel for the petitioner has not been able to point out any change in the factual situation or in the circumstances. Second petition at the hands of petitioners is not maintainable. In fact, filing of the second petition virtually amounts to seeking review of the earlier order, which is not permissible in criminal law, as has been held by the Hon'ble Supreme Court in ***Hari Singh Mann Versus Harbhajan Singh Bajwa, (2001) 1 SCC 169, State of Madhya Pradesh Versus Kajad, 2001 SCC (Criminal) 1520*** and ***State of Maharashtra Versus Buddhikota Subha Rao 1989 Suppl. (2) SCC 605.***

CRM-M-54627-2023

-5-

4. Finding no merit in the petition, it is hereby dismissed.
5. It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

02.11.2023
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No