

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-58894-2022(O&M)

Date of Decision:-31.01.2023

Suprava Muduli.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. D.S. Matya, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

Mr. Nipun Vashisht, Advocate for the Complainant.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.31 dated 31.01.2022 under Sections 406, 420, 467, 468, 471 IPC registered at Police Station Sector 14, Gurugram, District Gurugram.

2. The brief facts of the case are that one Harsh Vardhan got recorded his statement to the effect that he had completed his education from Sandhya Senior Secondary School, Delhi. The principal of that school Sandhya Devi was like a family member. She introduced him to one Nancy Gill. Nancy Gill gave him a phone number 8882024761 of a lady and said that the said lady could help him in getting a Government Job or a job at the airport to earn his livelihood. He called on the said number and the women on the other side disclosed her name as Suprabha Mriduli (petitioner). She informed him that she could get him a government job in VIP Quota. He gave her a sum of Rs.15,000/- for getting the form for his son and daughter

namely Manish and Aarti. Thereafter he gave the first installment of cash of Rs.50,000/- each for the jobs of Manish and Aarti to the said Suprabha Mriduli. She informed him that one Harsh Vardhan can get jobs for any person such as his relative or well wisher. Thereafter in September 2020 he gave a sum of Rs.22,50,000/- in cash to Suprabha Mriduli for providing a job to his nephew and niece, namely, Ajay, Seema, Pratibha and Priya. Then Suprabha Mriduli got filled the forms of all the children and after some days gave a copy of a Selection Letter and Training Letter to him. He also filled forms of his other relatives in the VIP Quota for which he gave a sum of Rs.19,00,000/- in cash to Suprabha Mriduli and she handed over the copies of Selection Letters and Training Letters to him. She thereafter informed him that she could provide DDA flats in the VIP category on half rates. He informed his relatives. Then a friend of his relative namely Manoj Kumar Sahu was introduced by him to Suprabha Mriduli who told him that Plot No.1-6/13 Rohini, Sector 16, Delhi could be provided to him at half the rate of Rs.70 lacs. For this purpose Manoj Kumar Sahu gave Rs.55 lacs in cash to her. Thereafter he told all these facts to his relative Brij Pal. The said Brij Pal gave a sum of Rs.1.36 Crores to Suprabha Mriduli in his presence for getting a job in the railways and obtaining the DDA Plot No.1-6/13, Rohini, Sector 16, Delhi and for the contract of housekeeping and maintenance at the Delhi Airport. When he asked Suprabha Mriduli from time to time regarding the jobs in question she put him off on the pretext of Covid-19 Pandemic. She however gave photocopies of the joining letters and the aforementioned plots and copies of the tender of housekeeping at the airport. Despite telling her again and again about joining of his children and the starting of the work at the airport, no action was taken by her. Therefore, he was making the complaint with the allegations that Suprabha Mriduli had grabbed a total amount of Rs.2,33,65,000/- on the pretext of providing a job, tender and a plot.

Based on the aforementioned application, the present FIR came to be registered.

3. During the course of the investigation various forged documents which were provided to the complainant and his friends and relatives were taken into police possession. On verification they were found to be forged. Suprabha Mriduli was arrested on 7.4.2022 and her disclosure

statement was recorded. A sum of Rs.1 lacs and one Scanner and Printer used in the commission of the offences was recovered from her. On 11.04.2022 the call detail records and bank account details of the accused persons were obtained. Section 120-B IPC was added in the present case.

Accused Ravi Kumar @ Ravi Kant was arrested on 30.04.2022 and pursuant to his disclosure statement he got recovered a Vivo Mobile Phone having Sim No.8527181856 used in the present case.

Kageshwar Mahali (since granted bail vide order dated 24.11.2022 in CRM-M-32312-2022(O&M)) and co-accused Virender Chaudhary (granted bail vide order dated 17.01.2023 by JMFC, Gurugram) were arrested on 24.05.2022. Their disclosure statements were recorded. Kageshwar Mahali got recovered fake documents (in original), HP Pavillion Laptop used in the crime (in which the fake documents were prepared) and the amount of Rs.40,000/-. He also got recovered the coloured photocopy of the GPA of Plot No.21, Village Carterpuri, Dharam Colony, Gurugram which he had purchased from the money obtained from the present fraud. Accused Virender Chaudhary got recovered a sum of RS.20,000/-. He also identified the offices/departments where he used to take the victims while committing fraud with them. The GPA recovered was got verified from the Tehsildar, Gonda (UP). The same was not found to be registered in the said Tehsil.

The laptop recovered from Kageshwar Mahali was sent to DITAC Lab, Gurugram on 17.06.2022 for retrieval of the data. Specimen signatures of Kageshwar Mahali and Suprabha Mriduli (petitioner) along with questioned and admitted signatures were sent to FSL for comparison and the reports are awaited.

4. The Counsel for the petitioner contends that not even a single penny has come into the account of the petitioner. The allegations that the entire amount was paid in cash cannot be believed. As per the disclosure statement of the petitioner, the defalcated amount has been enhanced to Rs.3,25,31,000/- against the amount of Rs.2,33,65,000/-. This shows that an attempt has been made to falsely implicate the petitioner. In fact the disclosure statements have been recorded repeatedly to improve its case by the investigating agency. The co-accused of the petitioner, namely Kageshwar Mahali has been granted the concession of regular bail vide

order dated 24.11.2022 in CRM-M-32312-2022(O&M) and another co-accused Virender Chaudhary has been granted the concession of bail by the court of JMFC, Gurugram vide order dated 27.01.2023. Since the case was triable by the court of a Magistrate and the petitioner was in custody since 07.04.2022, therefore, she was entitled to the grant of bail when none of the 31 prosecution witnesses had been examined so far.

5. The Counsel for the State on the other hand contends that the petitioner is the main accused duly named in the FIR. A huge amount has been defalcated by her as has been brought out in the report under Section 173(2) Cr.PC. The petitioner is an accused in three other FIRs of similar nature. Therefore, the allegations against the petitioner as also her criminal antecedents did not entitle her to the grant of bail. He however, does not dispute the fact that the co-accused of the petitioner namely Kageshwar Mahali has been granted the concession of bail as also the period of custody undergone by the petitioner.

6. The Counsel for the complainant has vehemently opposed the bail application contending that the allegations levelled against the petitioner did not entitle her to the grant of bail. She has duped as many as 07 persons as is mentioned in the FIR. She was an accused in three other cases as per para 11 of the State reply. Therefore, even though the case was triable by the court of a Magistrate, the petitioner was not entitled to the grant of bail.

7. I have heard learned Counsel for the parties at length.

8. Undoubtedly, the veracity of the prosecution case and the culpability of the petitioner shall be adjudicated upon during the course of Trial. The petitioner is in custody since 24.05.2022. The investigation stands completed and none of the 31 cited prosecution witnesses have been examined so far. The case is otherwise triable by the court of a Magistrate. This Court in case bearing **CRM-M-24033-2021(O&M)** titled as **Maninder Sharma Vs. State Tax Officer, State, Mobile Wing, Jalandhar, Punjab** Decided on **31.08.2022** has held that in cases triable by the Magistrate unless there are serious allegations of accused absconding from trial, or tampering with the evidence, bail should only be declined in exceptional circumstances. In the present case nothing exceptional has been pointed out as to why bail ought to be declined to the petitioner. Neither has the State

expressed any serious apprehension of either the petitioner being a flight risk or likely to tamper with the evidence if she was granted the concession of bail.

Further two co-accused of the petitioner namely Kageshwar Mahali and Virender Chaudhary have been granted the concession of bail vide order dated 24.11.2022 by this Court and the court of JMFC, Gurugram dated 27.01.2023 respectively. In the other cases registered against the petitioner, she has already been granted the concession of bail. In these circumstances, the further incarceration of the petitioner is not required.

9. Thus, without commenting on the merits of the case, the petitioner-**Suprava Muduli** wife of Sh. Rohit Kumar is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

10. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that she is not involved in any other crime other than the cases mentioned in this order.

11. In addition, the petitioner (or any one on her behalf) shall prepare a FDR in the sum of Rs.2,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

12. The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

January 31, 2023

Vinay

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