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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-4586-2024
Date of decision:- 11.03.2024

DEEPTI CHUGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Dinesh Sharma, Advocate
for the petitioner.

Mr. Vishal Malik,DAG, Haryana.

Mr. Brijender Kaushik, Advocate for the complainant.

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SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
21	13.01.2024	406, 420, 120-B IPC	Gandhi Nagar, Yamuna Nagar

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the present case. He contends that infact the husband of petitioner had taken loan from

the complainant out of which some of the amount was returned to the complainant. He submits that the cheque in question was issued by the petitioner as security, although the amount mentioned in the cheque was not due, as such he prays for grant of concession of anticipatory bail to the petitioner.

3. Per contra, learned State counsel referring to the reply submitted by the State has submitted that there are specific allegations against the petitioner of having defrauded the complainant by issuing cheque amounting to ₹17,50,000/- under her signatures to the complainant from the account which was already closed, which clearly tantamount to cheating and defrauding the complainant, he as such prays for dismissal of the bail petition.

4. After considering the rival contentions and going through the record, it transpires that the instant FIR was registered against the petitioner and her husband on the complaint lodged by Bharat Bhushan Jual claiming that the petitioner and her husband has taken loan on account of their payments having been delayed from Government side and requiring the amount for opening of their business of power supply and on their assurances the complainant paid different amount on different dates. In February 2023 when the complainant asked for return of the money the husband of the petitioner delivered a cheque of ₹5,00,000/- which was dishonoured and when complained the petitioner, petitioner issued cheque dated 28.10.2023 amounting to ₹17,50,000/- and the cheque when presented was also dishnoured on account of fact that the account has already closed in the year

2021, on the basis thereof, the instant case was registered. State has filed exhaustive reply dated 17.02.2024 wherein he referred cheque in question as Annexure R-6 issued by the petitioner amounting to ₹17,50,000/- in favour of the complainant on 28.10.2023. However, there is letter written by the concerned bank (Annexure R-7) specifying that the account in question has already been closed wayback on 28.10.2021. Issuance of cheque by the petitioner from account which was closed already more than 2 years back speaks volume of the criminal intention on the part of the petitioner to defraud the complainant.

5. Considering the serious nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent, the petition is hereby dismissed.

6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

11.03.2024

Gyan	i)	Whether speaking/reasoned?	Yes/No
	ii)	Whether reportable?	Yes/No