

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

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2024:PHHC:022168
CRM-M-5031-2024
Date of decision: February 16th, 2024

Salochana Chauhan

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. Amandeep Singh Samra, Assistant Advocate General,
Punjab.

Mr. Saurabh Garg, Advocate
for Mr. Gunjan Rishi, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.120 dated 21.11.2023 under Sections 406, 420 of the IPC registered at Police Station Phase-8, S.A.S. Nagar.

2. Learned senior counsel for the petitioner, *inter alia*, contends that totally false and fabricated allegations have been levelled against the petitioner of having entered into a joint venture agreement with the complainant for developing some real estate project in Solan, Himachal Pradesh. It has been submitted that in fact, the said agreement was a fabricated and forged document in which regard a complaint dated 21.11.2023 (Annexure P-3) had also been made to the police, however, the police instead of proceeding against the complainant, had chosen to wrongly challan the petitioner and her husband in the case at hand.

It has been further submitted that the petitioner has now

been in custody since 09.12.2023 and there is no likelihood of the trial concluding anytime in the near future since the charges have also not been framed, coupled with 15 witnesses having been cited by the prosecution.

3. Learned counsel for the complainant has vehemently opposed the prayer and submissions made by the learned senior counsel. It has been submitted that the joint venture agreement being a forged document is nothing but an afterthought and a defence, which the petitioner apparently is trying to create in her favour. It has been brought to the notice of this Court that the petitioner and co-accused had played a fraud on even the person, to whom they had in violation of the joint venture agreement sold the property in question, as he too had also now lodged an FIR against them, which left no manner of doubt about the complicity of the petitioner in the crime in question.

4. Learned State counsel, on instructions, has further submitted that the complainant had moved his complaint on 28.02.2024 and thereafter, the petitioner had been repeatedly called by the police to join investigation and not even once had she come up with the version, which has been brought forth before this Court today. He has thus, submitted that it is one of those cases, wherein the petitioner is evidently trying to create defence in her favour and trump up a new version. It has also been submitted that the petitioner has also defrauded other persons through a similar *modus operandi*. Learned State counsel has further apprised this Court that the investigation in the case in hand is complete as the challan stands presented and the case is now fixed for framing of charges before the learned trial Court on 26.02.2024.

5. I have heard learned counsel for the parties and perused the relevant material on record.
6. *Prima facie*, there are serious and specific allegations against the petitioner of cheating the complainant to the tune of more than ₹8 crore, in connivance with other co-accused. The petitioner appears to be the kingpin of the crime in question as the money in question was given to her and even the agreement to sell was executed between her and the complainant.
7. In the wake of the seriousness of charges levelled against the petitioner, this Court does not deem it fit to extend the concession of bail to the petitioner.
8. The instant petition stands dismissed.
9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

February 16th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No