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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26696-2024
Date of Decision:-23.08.2024

MOSHINA BEGUM

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Saroj Kumar Singh, Advocate, for the petitioner.

Mr. Adesh Pal Singh, AAG, Punjab

Mr. Yogesh Goel, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

By way of the present second petition filed under Section 438 of Criminal Procedure Code, the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P-5) detailed as under:-

FIR No.	Dated	Sections	Police Station
0123	07.05.2022	406, 420, 120-B IPC	Police Commissionerate, Division 6, Ludhiana

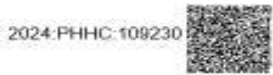
2. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner alongwith her husband had been dealing in supply of oil and were in business dealings with the complainant. The petitioner is running the firm M/S ROYAL OIL TRADERS whereas her husband is proprietor of firm M/S S.K.OIL TRADERS. He submits that the petitioner



and her husband had already supplied the articles for the amount taken from the complainant party and at the most, it is a civil dispute *inter se* which has been given the colour of a criminal litigation by the complainant in connivance with the police, as such he prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel assisted by learned counsel for the complainant have assailed these arguments by submitting that the complainant had transferred amount of ₹42 lakhs in the account of the petitioner but petitioner had neither supplied the requisite oil nor returned the amount. They contended that the petitioner has intentionally misappropriated this amount. They contend that even during course of inquiry the petitioner had submitted the bill/invoice dated 29.05.2018 (Annexure P-4) which had been found to be bogus and said document has been issued under the signature of the present petitioner. There is no receipt produced to show that the articles mentioned therein had been received by the complainant. They contend that goods worth ₹13,42,000/- are specifically mentioned in the e-way bill and that there is no mention of transporter ID or its name nor is there any weighment slip to substantiate the transportation of the goods. They contend that custodial interrogation of the petitioner is required, as such she is not entitled to concession of bail.

4. *In nut shell* the allegations levelled against the petitioner in the FIR are that she is running the firm M/S ROYAL OIL TRADERS, supplying Tallow (Industrial Grade Buffalo origin) and other non-edible oils and she introduced the complainant for supply of the same at a competitive



price, believing the same, the complainant deposited ₹42 lakhs through RTGS in the account of the petitioner for the supply of goods but neither the goods were supplied nor the amount was returned. On inquiry, the petitioner had handed over the invoice dated 29.05.2018 showing to have delivered the articles but the same was found to be bogus without there being any proof of delivery of articles.

5. Admittedly the parties were having business dealings. The payment of ₹42 lakhs through RTGS by the complainant to the petitioner firm is not disputed. The petitioner has taken the plea that goods had been supplied but could not produce substantive documents to support the same. Therefore, considering the specific allegations against the petitioner of misappropriated huge amount coupled with the gravity of the offense, the petitioner is not entitled to concession of anticipatory bail in the present petition, the same 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

23.08.2024
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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No