110 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-44555-2024
Decided on: 09.09.2024

Asha Rani ...... Petitioner

Versus

State of Punjab ...... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sandeep Kumar, Advocate
for the petitioner.

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Manjari Nehru Kaul, J.

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner in case FIR No.62 dated 24.04.2024 under Sections 406 and 420 IPC registered at Police Station Bullowal District Hoshiarpur.

2. Learned counsel for the petitioner contends that the petitioner is neither the President nor the Secretary of the Shakti Group or the Dimple Group. The petitioner did not receive any loan amounts on behalf of either of these groups. It has further been submitted that pertinently under the Self-Help Group (hereinafter referred to as ‘SHG’) Schemes, loan amounts are to be disbursed directly into the bank accounts of its President and Secretary and are never handed out in cash. Moreover, these Groups are renewed annually with the signatures of the President and Secretary, who assume responsibilities for their

members at the time of renewal. Learned counsel has asserted that as the petitioner is not the President or Secretary of either of these groups, she could not have received any loan amount in cash from the bank. Furthermore, a perusal of the FIR in question reveals that the complainant has not alleged that she gave any documents to the petitioner or signed any paperwork with the petitioner regarding the loan. As such, no allegations of fraud stand substantiated against the petitioner. Learned counsel has lastly argued that there is also an unexplained delay in filing the FIR in question, which further suggest that the petitioner is innocent and in no manner, connected with the alleged offences; the entire case hinges on documentary evidence and hence, the petitioner's custodial interrogation would not be necessitated.

3. Heard learned counsel for the petitioner and perused the relevant material on record including the FIR, which has been annexed as Annexure P-5.

4. The allegations levelled in the FIR in question (Annexure P-5) pertains to a fraudulent loan transaction involving a SHG named Shakti SHG. The complainant, who was a member of this Group, alleged that she neither applied for, nor received any loan under the scheme meant to provide financial assistance to the members of SHG. However, she was intimated by the Punjab National Bank that a loan of Rs.25,000/- had been taken in her name, which had not been repaid by her. The Punjab National Bank thus, was pressuring the complainant to repay it. Upon visiting the Bank, the complainant allegedly discovered that the

loan amount had been disbursed in cash to the petitioner and Manjeet Kaur, without her consent and knowledge. It has further been alleged that the petitioner and co-accused misused the Aadhar Card and other personal documents and signatures of the complainant in securing this loan from the bank.

5. A perusal of the FIR in question, *prima facie*, reveals that the petitioner has been explicitly identified as a central figure in the fraud in question with accusations against her of misappropriating the loan amount intended for the complainant and other group members. The petitioner is alleged to have taken Rs.25,000/- on behalf of the complainant without any authorisation, and failed to repay or deposit the installments. It seemingly comes across as a well organised fraudulent scheme involving multiple SHGs wherein loans were sanctioned in the name of various Groups including Shakti SHG without its members being aware of these loans being processed in their names. The petitioner allegedly collected the loan amounts on behalf of the group members and thereafter misappropriated it. The petitioner is alleged to be involved in the misappropriation of Rs.21,44,000/- with respect to another SHG namely Dimple Group wherein also she misappropriated and kept the entire money for herself, even though the petitioner had given her written assurances to clear the outstanding amounts. Since her signatures allegedly appear as a witness on some of the relevant documents pertaining to the loans, this Court is of the opinion that the custodial interrogation of the petitioner would be necessitated. This Court cannot

lose sight of fact that this is not the first time that the petitioner has been booked in a criminal case under Sections 420 and 406 IPC; it is a matter of record that the petitioner is facing trial in FIR No.36 dated 22.03.2023 registered under Sections 420 and 406 IPC at P.S. Bullowal District Hoshiarpur

7. In the facts and circumstances, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

8. 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.

09.09.2024 **(MANJARI NEHRU KAUL)**
Sonia **JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No