

---

**(2014) 07 P&H CK 0452**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : CRM M-35313 and 38606 of 2013**

Munni

APPELLANT

Vs

State of Haryana

RESPONDENT

---

**Date of Decision :** 25-07-2014

**Acts Referred:**

**Citation :** (2014) 07 P&H CK 0452

**Hon'ble Judges :** M.M. Singh Bedi, J

**Bench :** Single Bench

**Advocate :** Jitender Dhanda, Advocate for the Appellant; Ajay Ghanghas, Addl. AG, Haryana and V.K. Arya, Advocate for the Respondent

**Final Decision :** Dismissed

---

## Judgement

M.M. Singh Bedi, J.—This order will dispose of two petition bearing CRM Nos. M-35313 and M-39606 of 2013 for grant of pre-arrest bail one filed by Munni Devi and Kiran and another filed by their husbands Gharsi Ram and Jai Parkash, respectively. The FIR was registered at the instance of Shree Ram City Union Finance Limited, Hisar, alleging that loan of Rs. 72 lacs was taken in the name of Munni Devi and Kiran against seven ornaments by Munni Devi and nine ornaments by Kiran. Eleven ornaments were mortgaged by Gharsi Ram and about ten ornaments by Jai Parkash. The petitioners have not re-paid the monthly instalments of the loan which caused suspicion in the mind of the complainant. On ornaments having been tested, it was found that the loan has been obtained against fake ornaments.

2. Counsel for the petitioners has vehemently contended that the seal has been opened by complainant without any intimation to the petitioners and that there is probability of changing the ornaments in order to harass the petitioners. It is claimed that the ornaments were checked before these were handed over to the complainant. At one stage, the petitioners had agreed to get the ornaments retested jointly by complainant and the petitioners but petitioners have resiled from the undertaking on the ground that the seal of the ornaments has already

been opened by the complainant and that there are chances of tampering with the ornaments by the complainant party.

3. Counsel for the complainant has intervened to oppose the petitions for pre-arrest bail submitting that the total amount of loan is Rs. 90 lacs and the amount which the petitioners have to return with interest is at present around Rs. 1.30 crores. Petitioners have repaid only one or two instalments.

4. I have taken into consideration all the circumstances of the case and gone through the file. The petitioners have apparently duped the Finance Company of a huge amount by obtaining loan against fake ornaments.

5. Counsel for the petitioners has submitted that Munni Devi and Kiran are merely signatories being ladies. Their husbands are responsible for all the transactions with the Finance Company.

6. Petitioners have earlier joined investigation. It appears that Munni Devi and Kiran had given a statement through their counsel on January 15, 2014 before a Coordinate Bench that the complainant may get the gold deposited with them tested in the presence of the petitioners and in the event of its being found to be fake, the petitioners shall deposit the entire loan amount with the complainant.

7. Since the petitioners have not been able to comply with the condition of pre-arrest bail, the relief can be denied to the petitioners in view of the judgment in SEBI Vs. Sahara India Real Estate Corporation Ltd. 2014 (4) Recent Apex Judgments, 155.

8. I do not find any extraordinary exceptional circumstances to grant the concession of bail to the petitioners.

9. Both the petitions are thus dismissed at this stage with liberty to the petitioners to approach this Court again in case any compromise is arrived at between the parties.