

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

CRM-M No. 10862 of 2015 (O&M)

Date of decision : 9.6.2015

Neelam and another

.. Petitioners

versus

State of Punjab and others

.. Respondents

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Dilpreet Singh Gandhi, Advocate, for the petitioners.
 Mr. Rajesh Bhardwaj, Additional Advocate General, Punjab.
 Mr. Mukesh Kumar Bhatnagar, Advocate for the complainant.

Rajesh Bindal, J.

Learned counsel for the petitioners submitted that the mother of the petitioners and respondents No.2 to 4 expired on 3.2.2013. FIR alleging withdrawal of certain money from her bank account through ATM and misappropriation of jewellery was lodged on 14.3.2015 i.e. more than two years after her death. ₹ 13,000/- were withdrawn after the death of the mother, however, there is nothing on record to suggest that who had withdrawn the money. It is merely an allegation in the FIR. The rest of the amount was withdrawn from the account of the deceased-mother by the petitioners before her death. The jewellery worth ₹ 50,000/- was mortgaged during her life time for taking money for her treatment. The same is still mortgaged, as the amount of loan has not been returned back.

Learned counsel for the petitioners further submitted that civil suit filed by the petitioners for injunction, pertaining to the ancestral property, in July 2014 was already pending when the FIR in question was got registered.

Considering the aforesaid factual position and the dispute being between the family members, in my opinion the petitioners deserves concession of pre-arrest bail. Accordingly, it is directed that in case of

arrest, the petitioners shall be released on bail on furnishing of bail bonds to the satisfaction of the Arresting/Investigating Office. They shall appear before the Investigating Officer as and when called upon for further investigation. They shall also be bound by all the conditions as contained in Section 438 (2) Cr.P.C.

The petition stands disposed of.

(Rajesh Bindal)
Judge

9.6.2015

sharmila/dk kamra