

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

MUKESH KUMAR SALUJA
2015-03-24 18:00
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CRM-M-1572-2015
Date of decision:24.03.2015

Amarjeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CRM-M-2001-2015

Gurmeet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Ms.Harpreet Kaur Dhillon, Advocate for the petitioner(s).

Mr. K.D.Sachdeva, Addl. A.G., Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

This order disposes of two above-said identical petitions, wherein both the petitioners are seeking pre-arrest bail in FIR No. 318 dated 26.11.2014 registered under Sections 420/406/120-B IPC at Police Station City Jagraon, District Ludhiana.

Notice of motion was issued and interim protection was granted by this Court in both the cases.

Learned counsel for the petitioner(s) submits that in compliance of the above-said order passed by this Court, both the petitioners have joined the investigation. She further submits that since nothing is to be recovered from the petitioners, their custodial interrogation is not required and the petitioners deserve concession of pre-arrest bail.

On the other hand, learned counsel for the State, on instructions from HC Baljinder Singh, Police Station City Jagraon, submits that though the petitioners have joined the investigation but recovery of Rs.6 lacs is to be made for which custodial interrogation of the petitioners is required. He prays for dismissal of the petition.

Having heard the learned counsel for the petitioner(s) and after careful perusal of record of the case, this Court is of the considered opinion that keeping in view the nature of controversy involved and peculiar fact situation of the case noticed hereinabove, petitioners are entitled for concession of pre-arrest bail. It is so said because the main accused namely Nitin Mishra has not been arrested so far nor any efforts are being made by the investigating agency, as stated by the learned counsel for the State. This Court would restrain itself making any comment in this regard, lest it should prejudice the rights of either of the parties.

Without commenting any further on the merits of the case, both these petitions are allowed and the order dated 16.1.2015 in CRM-M-1572-2015 as well as order dated 23.1.2015 in CRM-2001-2015 are hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Before parting with the order, Senior Superintendent of Police, Ludhiana, is directed to look into the matter and ensure effective investigation at the hands of the investigating officer including the earliest possible arrest of the main accused namely Nitin Mishra. He is further directed to monitor the investigation of the case so as to ensure that an effective and purposeful investigation is conducted at an early date.

With the afore-said observations made and directions issued, both the petitions stand disposed of.

24.03.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE