IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M No.20307 of 2015.
Date of Decision: 03.08.2015.

Arun Batra ....Petitioner.

VERSUS

State of Punjab ....Respondent.

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CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Amaninder Singh Sekhon, Advocate for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab assisted with Assistant Sub Inspector Shamsher Singh.

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SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (for short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.28 dated 20.02.2015 under Sections 420/406 of the Indian Penal Code (for short, "I.P.C.") registered at Police Station Civil Lines, Patiala.

The accusation of the complainant was that he met Vibhore Batra through his nephew Vishal Garg, who were studying together and knew each other for the last 10-12 years. He developed deep family relations with Vibhore Batra and his mother Arun Batra. As and when they were in need of money, he used to help them. On the asking of Vibhore

Batra and his mother to invest in property he got transferred Rs.12 lacs in the joint account no.407500100011043 of Vibhore Batra and his mother Arun Batra on 11.06.2014. On 07.07.2014, he transferred another Rs.4 lacs from the account of his son Karandeep Garg to the account of Vibhore Batra. Lateron, from reliable sources, he came to know that Vibhore Batra was not engaged in any property business and he and his mother had cheated him. Since 18.09.2014 the whereabouts of Vibhore Batra were not known and when they contacted his mother, she refused to return the money and also did not give the address of Vibhore Batra.

Heard the submissions made by Mr. Amaninder Singh Shekhon, learned counsel representing the petitioner and Mr. Ashish Sanghi, learned Deputy Advocate General, representing the State of Punjab.

It was argued on behalf of the petitioner that she is an old retired lady. She had no concern with the dealings between the complainant and her son Vibhore Batra. She had also never operated the account in which the complainant alleges to have deposited the alleged amount. Submitting that the petitioner is innocent and nothing is to be recovered from her, learned counsel prayed for her release on anticipatory bail.

The petition was opposed by learned Deputy Advocate General representing the State of Punjab.

In the First Information Report, the complainant specifically mentioned the joint account number held by the petitioner and her son in which at their instance he deposited huge amount for investing in property as suggested by them. As per the allegations, another amount of Rs.4 lacs was transferred from the account of Karandeep Garg son of the complainant to the account of Vibhore Batra. The allegation of the complainant is direct and specific against the petitioner and her son. He stated that they were having close family relations and it was Vibhore Batra and his mother who suggested to him that he should invest in K.K. Builders in New Delhi and Himachal Pradesh apple orchards alongwith them to earn a profit of Rs.10 lacs on the amount of Rs.20 lacs to be deposited by him. Major portion of the amount was deposited by the complainant in the joint account held by the petitioner and her son.

As submitted by learned State counsel, recovery of money is to be made for which custodial interrogation of the petitioner will be required. In view of the facts and circumstances and without going into merits, finding no ground for release of the petitioner on anticipatory bail, her petition is dismissed.

(SNEH PRASHAR)
JUDGE

03.08.2015.
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