

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

1. CRM-M-23553 of 2015

Silpa @ Deepika

...Petitioner

Versus

State of Haryana

...Respondent

2. CRM-M-24543 of 2015

Chander Mohan alias Honey

...Petitioner

Versus

State of Haryana

...Respondent

Date of Decision:- **01.09.2015**

CORAM: HON'BLE MR.JUSTICE SHEKHER DHAWAN

Present:- Mr.Navkiran Singh, Advocate for the petitioners.

Mr.Neeraj Poswal, AAG Haryana for the State.

Shekher Dhawan, J.

As the identical points for consideration to grant the concession of anticipatory bail or otherwise to petitioners Silpa alias Deepika and Chander Mohan alias Honey are involved, therefore, I propose to decide both the petitions, arising out of the same case/FIR, vide this common order to avoid the repetition of facts.

Petitioners have applied for anticipatory bail u/s 438 Cr.PC in case FIR No.68 dated 14.5.2015 under sections 406 and 420 IPC of Police Sttion Siwan, Distt.Kaithal. Prosecution case is that complainant Balbir Singh reported to the police that he had contacted Honey and Rohit through

his relative Harwinder Singh and Lal Singh to send him to foreign country and for that purpose made payment of ₹ 5 lacs in the month of March, 2013 and thereafter paid ₹ 8 lacs by making instalments of ₹ 2 lacs each and as such accused persons received total amount of ₹ 13 lacs and issued forged Visa of Australia. Complainant and his son reached Delhi Airport and accused persons did not turn up and complainant came to know that Visa and tickets were forged and they came back. Complainant contacted accused persons and came to know about the factum of forged visa and tickets and demanded back their money. Accused persons avoided on one pretext or the other. Panchayats were convened and on refusal, matter was reported to the police.

Learned counsel for petitioners took the plea that prosecution version is self contradictory because vide Annexure P4 dated 29.8.2013, payment of ₹ 10.5 lacs was made at Kaithal and as per FIR, payment of ₹ 13 lacs was made by complainant. Complainant is taking different version regarding place of payment as earlier he had taken the plea that payment was made at Kaithal and subsequently he changed the version that payment was made at Tarn Taran. To the contrary, petitioner Silpa and Chander Mohan had not received any money. Petitioner Silpa is bed ridden because of advance pregnancy stage at that time. Her husband has already been arrested and released on regular bail. Petitioners have no concern with the alleged offence, but they are apprehending arrest in this false case. So, they be released on anticipatory bail.

Learned State counsel opposed the bail application that accused in this case are Rohit, his wife Silpa and brother in law of Rohit named Chander Mohan alias Honey. The payment was made to all the accused.

Custodial interrogation of petitioners is required for recovering amount and remaining documents. As such, there no grounds for releasing the petitioners on anticipatory bail.

Having considered the rival submissions made by learned counsel for parties and the fact that there are specific allegations of entrustment of money to both the present petitioners. Their custodial interrogation is required for recovering money as well as forged documents. No ground is made out to release them on anticipatory bail and both the petitions are dismissed.

(Shekher Dhawan)
Judge

01.09.2015
AS