

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Crl. Misc. No.M-27608 of 2015 (O&M)
Date of decision :- 25.08.2015

Balwinder Singh and others

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mrs. Poonam Verma, Advocate
for the petitioners.

ANITA CHAUDHRY, J.

This is the second bail petition filed on behalf of the petitioners. It is stated that certain documents which were earlier not in possession of the petitioners, could not be placed on the record and therefore, they have approached the Court again for anticipatory bail.

The counsel for the petitioners refers to *Runu Roy Vs. State of Assam 2005(2) GauLT 566 and Babu Singh and others Vs. State of U.P. 1978 AIR (SC) 527* and urges that the second petition can be moved as some more material has been discovered. The counsel refer to the copies of the e-mails and has urged that the appeal was withdrawn by the wife since the husband could not update her about the status of the case and she was pursuing the appeal seriously but the complainant failed to respond to the e-mails.

It was urged that the complainant was in possession of the piece of land sold by the father.

The application of the petitioner seeking anticipatory bail was dismissed by the Additional Sessions Judge and the concluding paragraph reads as under:-

“After hearing both the sides and going through the allegations made in the FIR, this Court is of the view that there are serious allegations against the applicants having indulged in conspiracy with other accused named in the FIR in cheating and defrauding the complainant under which they extracted Rs.35 lac from him on the pretext of sending him to Canada and also got transferred two acre of land in the name of Charanjit Kaur. Thereafter, the promise was not kept for one reason or the other. Such like incidents of cheating, defrauding and misappropriation of money are on rise these days. The custodial interrogation of the applicants is required by the police. So, the instant bail application of the applicants in the above referred case is hereby dismissed. Record be consigned.”

The petitioner then approached this Court for anticipatory bail and the petition was dismissed after hearing both the sides and the order reads as under:-

“Counsel for the complainant states that none of the accused had been granted interim bail as was projected on 16.02.2015.

Counsel for the petitioners states that a wrong fact could not have been urged by him and there appears to be typing error and they had asked for interim bail for the petitioners who were relatives of Charanjit Kaur.

Counsel for the complainant states that they had offered that if the land and money is returned, the matter can be settled.

Today, counsel states that the petitioners are the relatives and the girl is abroad and the matter cannot be settled.

Counsel for the complainant has referred to photographs which were taken when the cash amount was actually handed over to the accused.

The allegations are indeed grave. The girl, who had got married to the complainant left for Canada and has not returned. Her parents are also abroad and have been declared P.O. There are serious allegations against the petitioners, who are relatives and there are allegations that the money was handed over to them. Custodial interrogation is necessary. Recovery is also to be effected. No case for anticipatory bail is made out. The petition is dismissed.”

I have gone through the documents now placed on record and find no additional ground for reconsideration. It remains a fact that the appeal filed by the wife was withdrawn and that the money was paid to the petitioners. This Court has already observed that custodial interrogation is necessary to unearth the real facts. There are no cogent reasons to even issue notice.

The petition is dismissed.

25.08.2015
sunil

(ANITA CHAUDHRY)
JUDGE