

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

CRM-M-34050-2015
Date of decision:21.12.2015

Kamlesh Gupta

...Petitioner

Versus

State of Haryana

...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: Mr.G.S.Sandhu, Advocate for the petitioner.
Mr.Kapil Aggarwal, Addl.A.G., Haryana.
Mr.Varun Sharma, Advocate for
Mr.P.S.Jammu, Advocate for the complainant.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks pre-arrest bail in FIR No.130 dated 24.4.2015 registered under Sections 406, 420, 506 and 120-B of the Indian Penal Code at Police Station Sector-5, Panchkula.

Notice of motion was issued and interim protection was granted to the petitioner.

Learned counsel for the petitioner submits that petitioner being an illiterate woman has been victimised by her own son. He further submits that petitioner has tried to protect the interest of the complainant by filing a civil suit against her own son. She has also joined the investigation and is no more required for any further investigation. He prays for allowing the present petition.

On the other hand, learned counsel for the State as well as learned counsel for the complainant submit that though petitioner has joined the investigation but she did not cooperate with the investigating agency in

getting the huge amount of money recovered which was about Rs.1.81 crore. They further submit that the mother and son want to defraud the complainant. This much innocence cannot be granted to the petitioner that she was not aware about the earlier transaction suffered by her. They pray for dismissal of the instant petition.

After hearing the learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances obtaining in the present case, petitioner has not been found entitled for concession of anticipatory bail, at the hands of this Court. It is so said, because mere joining of the petitioner has not brought any fruits. Recovery of huge amount of money of Rs.1.81 crore is yet to be effected. Petitioner is trying to put entire blame on her son, who is none else but her co-accused. Learned counsel for the petitioner has also stated that the entire amount was in the bank account of the son of the petitioner, who was at large and he could not be arrested by the investigating agency despite making efforts in that direction. Learned counsel for the State has apprised this Court that all possible places have been raided by the investigating agency with a view to apprehend the son of the petitioner. Other appropriate steps have also been taken but he could not be arrested. Petitioner has not disclosed any clue in this regard so as to facilitate the investigating agency to put her son under arrest.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of either of the parties at a later point of time, this Court is of the considered view that custodial interrogation of the petitioner would be the compulsive necessity of the

investigating agency to carry out an effective investigation. No ground for anticipatory bail has been made out.

Dismissed.

21.12.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE