

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

CRM-M-35244-2015

Date of decision: 16.11.2015

Iqbal Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sanjeev Sharma, Advocate
for the petitioner.

Mr. K.D. Sachdeva, Addl. AG, Punjab.

Mr. A.S. Gulati, Advocate
for the complainant.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.188 dated 25.09.2015 under Sections 406 and 420 IPC, registered at Police Station Shimlapuri, District Ludhiana.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that petitioner being the nominee of his deceased son received an amount of Rs.18972/- from his provident fund and the said amount was released in favour of the petitioner by the competent authority of the department concerned. He further submits that it is a matter of record that Kulwant Singh, deceased son of the petitioner never changed his nomination even after his marriage with the complainant. Learned counsel for the petitioner also submits that petitioner never intended to commit the alleged offence in the eve of his life because he

is already a senior citizen. To show his bonafide, petitioner is even ready to refund the said amount to the complainant. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Mohd. Rashid, Police Station Shimlapuri, Ludhiana as well as learned counsel for the complainant submit that petitioner was not entitled to receive the provident fund amount of his deceased son because at the time of his death, son of the petitioner was married with the complainant and only the complainant would have been entitled to receive the said amount. They pray for dismissal of the present petition.

After hearing learned counsel for the parties and going through the record of the case, this Court is of the considered opinion that so far as the prayer of the petitioner for the concession of pre-arrest bail is concerned, he has been found entitled for the same. It is so said because in spite of his marriage, Kulwant Singh-deceased son of the petitioner did not change his nomination form. The amount in favour of the petitioner was released by the competent authority who must have satisfied themselves about the entitlement of the petitioner. Further, learned counsel for the petitioner has been found justified in contending that the petitioner, with a view to show his bonafide, is ready to refund the amount to the complainant.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, petitioner is directed to refund the amount of Rs.18972/- to the

complainant through her counsel before this Court. Accordingly, learned counsel for the petitioner has handed over the amount of Rs.19000/- to learned counsel for the complainant in the Court which satisfies the complainant.

In this view of the matter, instant petition is allowed. In the event of arrest, petitioner shall be released on anticipatory bail, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

16.11.2015
vishnu