

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

CRM No. M-3607 of 2015

Date of Decision:-23.2.2015

Gauri Arora & Ors.

...Petitioners

Versus

The State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR.JUSTICE MEHINDER SINGH SULLAR

Present:- Mr.R.M.Suri, Advocate for the petitioners.

Mr.J.S.Sekhon, AAG Punjab for the respondents.

Mehinder Singh Sullar, J. (Oral)

The petitioners have preferred the instant petition, for the grant of concession of pre-arrest bail, in a case registered against them, vide FIR No.235 dated 14.10.2014 (Annexure P2), on accusation of having committed the offences punishable u/ss 186, 309, 353 and 511 read with section 34 IPC by the police of Police Station Sadar, Amritsar.

2. Notice of the petition was issued to the respondents.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed by this Court on 6.2.2015:-

“Learned counsel, inter alia, contended that Sachin Arora son of Kewal

Kant Arora (petitioner No.2), had obtained a loan from Indian Overseas

Bank, Branch Hall Bazar, Amritsar, by mortgaging his property measuring 3509 sq. yards comprising in Khasra No.26/26/1/1, which is entirely separate and distinct property from plot No.179, SG Enclave, Majitha Road, Bypass Amritsar. The argument is that debt recovery officer wanted to illegally hand-over the possession of the pointed distinct property to one Sumitra Mahajan wife of Ravi Mahajan, wife of recovery agent of the Bank. Moreover, the matter was stated to have been settled by the Division Bench of this Court, by virtue of order dated 13.03.2013 in CWP No.8083 of 2011 (Annexure P-7). The argument further proceeds that even no indicated incident has ever taken place in the manner suggested by the police, but still the petitioners were falsely implicated in this case in order to put pressure and to wreak vengeance. Nothing is to be recovered from them. Moreover, the controversy involved in the instant petition is stated to be identical to the one raised and decided, by virtue of order dated 01.12.2014, rendered in CRM-M No.39230 of 2014 (Annexure P-10), by this Court.

Heard.

Notice of motion be issued to the respondent, returnable for 23.02.2015.

Meanwhile, the petitioners are directed to join the investigation before the next date of hearing. In the event of their arrest, the Arresting Officer would admit them to bail on their furnishing adequate bail and surety bonds in the sum of Rs. 25,000/- to his satisfaction.”

5. At the very outset, the learned State counsel, on instructions from ASI Sarabjit Singh, has acknowledged the relevant factual matrix and stated that the petitioners have already joined the investigation. They are no longer required for further interrogation at this stage. There is no history of their previous involvement in any other criminal case. Moreover, all the offences alleged against the petitioners are triable by the Court of Magistrate. Even since the prosecution has not yet submitted the final police report (challan) against the accused, so, the final conclusion of trial will naturally take a long time.

6. Not only that, Sharda Narula, similarly situated co-accused of

the petitioners, has already been granted the benefit of anticipatory bail, by way of order dated 1.12.2014 (Annexure P10), rendered in main CRM No. M-39230 of 2014 by this court. Therefore, I see no reason not to extend the same concession of pre-arrest bail to the present petitioners as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the totality of the peculiar facts & special circumstances, emanating from the record, as indicated here-in-before and without commenting further anything on merits lest it may prejudice the case of either side during the course of trial of main case, the instant petition is hereby accepted and the indicated interim order granting bail to the petitioners is hereby made absolute, subject to compliance of conditions as envisaged under section 438(2) Cr.PC.

8. Needless to mention that, nothing observed, here-in-above, would reflect, on merits in the trial of the case, in any manner, as the same has been so recorded for the limited purpose of deciding the present petition for anticipatory bail only. At the same time, in case, the petitioners do not cooperate or join the investigation, the prosecution would be at liberty to move an application for cancellation of their bail, in this relevant direction.

23.2.2015
AS

(Mehinder Singh Sullar)
Judge