

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

CRM-M-4102 of 2015
Date of Decision: 14.05.2015

Mukesh Devi and another

....Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. Naresh Kaushik, Advocate
for the petitioners.

Ms. Mahima, AAG, Haryana.

SNEH PRASHAR, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioners in case First Information Report No.31 dated 15.01.2015 under Sections 406/506 of the Indian Penal Code (for short 'IPC) registered at Police Station Kundli, District Sonapat.

2. Narender Kumar-complainant got the aforementioned First Information Report registered alleging that he had given Rs.5 lacs in cash and Jewellery worth Rs. 7,50,000/- to Satish Chauhan, his wife-Mukesh Devi and their son in 2012. They had promised to return the money in three months but they failed to do so despite repeated demands by him. In December, 2013 they gave a written undertaking to return Rs. 5 lacs in January, 2014 but again failed to keep up their

promise. On 30.07.2014 they gave a cheque of Rs. 5 lacs which on presentation was dishonoured. They threatened to kill him because of which he had to close his Jewellery shop in the village.

3. Heard the Submissions made by Mr. Naresh Kaushik, Advocate representing the petitioners and Ms. Mahima, AAG, Haryana representing the State.

4. Learned counsel for the petitioners argued that the allegations of the complainant were totally false. More so a complaint under Section 138 of the Negotiable Instruments Act had already been filed by the complainant after the cheque of Rs. 5 lacs issued by petitioner-Statish Kumar was dishonoured. In his complaint, the complainant admitted that he was having family relations with the petitioners. If at all the petitioners had borrowed any amount from the complainant, the dispute between them was of purely civil nature and no criminal liability was made out. Submitting that petitioners have already joined investigation in compliance of order dated 10.02.2015, the order of interim anticipatory bail be made absolute.

5. On the other hand learned State counsel submitted that the petitioners had not been co-operating during investigation. Also neither the money nor the jewellery could be recovered from them.

6. In the First Information Report the complainant named the petitioners and their son as the recipients of the money and jewellery from him but did not specifically name who out of them was handed over the same. Admittedly, the cheque of Rs. 5 lacs was signed/issued

by petitioner-Satish Kumar. That clarifies that recovery of money/jewellery is to be effected from him

As admitted by learned State counsel petitioner-Mukesh Devi, who is none else but wife of Satish Kumar has already joined investigation. As such, the concession of interim anticipatory bail given to her is made absolute and the petition on her behalf is allowed.

However, considering the facts and circumstances of the case and without expressing anything on the merits, the petition qua Satish Kumar for anticipatory bail is dismissed.

May 14, 2015
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(SNEH PRASHAR)
JUDGE