

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

CRM-M-13346-2016 (O&M)

Date of decision : 06.09.2016

Ramesh Kumari

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. N.S. Dandiwal, Advocate,
for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by HC Ajay Pal.

JITENDRA CHAUHAN, J. (Oral)

The petitioner has approached this Court under Section 438 of the Code of Criminal Procedure (for short, 'Cr.P.C.') for grant of pre-arrest bail in case FIR No.14 dated 17.02.2016, registered under Sections 406 and 420 of the Indian Penal Code, at Police Station Baghapurana, Distt. Moga.

On 23.04.2016, this Court passed the following order:-

“Petitioner seeks concession of pre-arrest bail in case FIR No.14 dated 17.02.2016, under Sections 406/420 IPC, registered at Police Station Baghapurana, District Moga.

Briefly, it may be noticed that the allegations are that a sum of Rs.3 lac had been misappropriated by the petitioner and her son, Deepak Sharma (co-accused) on the pretext of sending the complainant to America. As per complainant's version, said sum of Rs.3 lac was a part payment out of a total deal of Rs.19 lacs that had been settled.

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Counsel would argue that it is a case of false implication. On the identical set of allegations, earlier a complaint had been lodged by Jagdeep Singh s/o Baldev Singh and which led to the registration of FIR No.12 dated 13.02.2016 at Police Station Baghapurana, District Moga and in which this Court has already intervened and granted interim protection as regards arrest vide order dated 22.03.2016 passed in CRM No.M-9686 of 2016.

Notice of motion, returnable for 01.06.2016.

To be listed along with CRM No.M-9686 of 2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the petitioner is the mother of co-accused Deepak, to whom the amount was allegedly entrusted. The amount in question was paid to Deepak on 25.06.2013, whereas, the FIR in question was registered on 17.02.2016. The petitioner is an illiterate household lady.

On the other hand, learned State counsel has opposed the instant bail petition. On instructions, she submits that though the petitioner has joined the investigation but she is not cooperating as the amount is still to be recovered.

Heard.

There is a delay of more than two years in lodging the FIR. The allegations of entrustment are against co-accused Deepak. The petitioner is statedly an illiterate and widow lady. She has repeatedly joined the investigation.

Keeping in view the above and the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 23.04.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate.

The petition stands allowed accordingly.

However, nothing noticed hereinabove, shall be construed as an expression of opinion of the Court, on the merits of the case.

06.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No