

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 17426 of 2016
Date of decision: 2.6.2016

Jaswinder Kaur and anr

Petitioners

vs.

State of Punjab

Respondent

Present: Mr. AK Saini, Advocate.
Ms. HK Athwal, DAG, Punjab
Mr. Gagan Oberoi, Advocate

M.M.S.BEDI,J.

The petitioners are wife and husband. They have approached this court for the grant of pre-arrest bail in a case, which was registered at the instance of Paramjit Kaur alleging that the petitioners had duped the complainant on the pretext of marrying their daughter and sending the son of the complainant abroad. As per the allegations a sum of Rs. 18 lacs was returned in the shape of cheque, which was not honoured on having been presented.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that daughter of the petitioners has been sent to Australia with the money received by the petitioners with a false promise that son of the complainant would be married to their daughter. It is claimed that a sum of Rs.18/19 was spent by the complainant for sending Arshdeep kaur abroad.

I have considered the facts and circumstances of the case.

Counsel for the petitioners has submitted that there are

chances of amicable settlement by paying a sum of Rs. 13.50 lacs, which is alleged to have been received by the petitioner, without admitting the liability to pay the amount.

Counsel for the complainant has submitted that the petitioners and father of petitioner No.2, at one stage, had agreed to return a sum of Rs.16.50 lacs. It has been urged by counsel for the complainant that a sum of Rs.3.00 lac was to be paid by father of Paramjit Singh.

After hearing counsel for the parties and going through the record, without expression of any opinion on merits of the case, taking into consideration the fact that the petitioners have joined the investigation and offered to settle the controversy by paying the alleged amount to the complainant, can be granted the concession of pre-arrest bail subject to a condition that some amount would be paid to the complainant before the matter could be settled finally.

The petition is allowed and it is ordered that in case of arrest of the petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the following conditions:-

- i) The petitioners will join the investigation as and when required by the investigating agency.
- ii) The petitioners will pay a sum of Rs. 12 lacs in the shape of bank draft in the name of the complainant. The bank draft will be handed over to the investigating officer within a period of one month from today. It will be open to the investigating officer to hand over the said bank draft to the complainant against appropriate memo, subject to final settlement between the parties, without prejudice to the rights of the petitioner.

iii) The petitioners will not, in any manner, tamper with evidence or hamper the investigation.

iv) The petitioners will not leave India without the permission of the court.

It is made clear that in case of violation of any of the above said conditions, it will be open to the complainant to approach this court for cancellation of bail.

June 2 ,2016
TSM

(M.M.S.BEDI)
JUDGE