

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

Cr. Misc. M 21731 of 2016

Date of decision: 27.8.2016

Manmeet Singh and others

Petitioners

vs.

State of Haryana

Respondent

Present: Mr. SS Behl, Advocate.
Mr. CS Bakshi, Addl.A.G. Hry
Mr. SS Khurana, Advocate.

M.M.S.BEDI,J.

The petitioners seek the concession of pre-arrest bail in a case registered at the instance of Neeraj Soni alleging that petitioner No.1 was known to the complainant for the last three years and on 1.8.2015 all the petitioners came to Rewari and asked him to come at Agarsen crossing on the pretext of purchasing jewellery. The complainant allegedly went to the above said place along with 800 grams of gold jewellery, costing about Rs.24/25 lacs. The petitioners allegedly requested the complainant that they wanted to take the jewellery to Delhi for further approval and would return the rest of it thereafter. After some days, the complainant went to the house of the petitioners for collecting the payment of jewellery from the petitioners but they flatly refused to give any money or the jewellery and also threatened him.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail contending that the petitioners have duped the complainant, depriving him of the gold jewellery, entrusted to them for approval.

Counsel for the petitioners has submitted that the complainant is son-in-law of brother of Subhash Chander Soni, who has taken a loan of Rs.29 lacs on 1.9.2014 from petitioner No.1 and in order to pressurize petitioner No.1, he along with his family members, has been involved in the case by the complainant, who is related to said Subhash Chander Soni.

Counsel for the petitioners has drawn attention of this court to complaint u/s 138 of Negotiable Instruments Act, filed by the petitioners against Subhash Chander Soni, pertaining to dishonouring of cheque of Rs. 28 lacs.

With the assistance of counsel for the parties, I have gone through the police file. During the course of investigation, it transpired that on 1.8.2015 the petitioners were not located near Rewari when the said occurrence had taken place. The petitioners have joined the investigation. The money dispute between the petitioners and relation of the complainant is established on the record. During the course of investigation, with the aid of supplementary statements, an attempt appears to have been made to change the place of occurrence from Rewari to Delhi.

Counsel for the complainant has vehemently opposed the petition contending that the connection of Subhash Chander Soni has unnecessarily been brought into dispute by the petitioners, whereas there is no relationship of the transaction of the complainant with that of Subhash Chander Soni with petitioner No.1.

Since the petitioners have joined the investigation; petitioners 3 and 4 are ladies; dual version regarding place of occurrence has already cropped up, they can be granted the concession of pre-arrest bail.

Accordingly, 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 condition that they will

join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation.

Nothing said in this order will prejudice the rights of the parties during trial. Any observation made is merely to decide the present petition u/s 438(2) Cr.P.C.

August 27,2016
TSM

(M.M.S.BEDI)
JUDGE

Whether speaking/ reasoned

Yes/ No

Whether reportable

Yes/ No