

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-24625 of 2015 (O&M)

Date of Decision: 10.3.2016

Kulbir Kaur @ Kulbir Devi

--Petitioner

Versus

State of Haryana & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. B.S. Dhillon, Advocate for the petitioner.

Mr. Vivek Saini, D.A.G., Haryana.

Mr. Jagdish Manchanda, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J

Present petition has been filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioner in case F.I.R. No.39 dated 2.5.2015 under sections 406, 420, 468, 471, 506 I.P.C, registered at Police Station, Jhansa, District Kurukshetra.

F.I.R in question was lodged on the statement of Manjeet Kaur wife of Balbir Singh. Allegations against the present petitioner and co-accused namely Jarnail Singh and Satnam Singh were with regard to misappropriation of a sum of Rs.7 lacs on the pretext of sending son of the complainant to a foreign land.

The main plank of argument raised by counsel for the petitioner is that she was earlier married to Jarnail Singh but the marriage has since been dissolved by a decree of divorce dated 12.11.2009 and as such thereafter she has no dealings with her ex-husband Jarnail Singh, who otherwise was a Travel Agent. It has also been argued that the dispute is essentially civil in nature and the petitioner having joined investigation, her custodial interrogation is not warranted.

Having heard counsel for the parties at length, this Court is not inclined to extend the concession of anticipatory bail to the petitioner.

In the first instance, it may be apposite to take note that on 5.12.2015 this Court while extending interim protection as regards arrest in favour of the petitioner had taken note of the submission made by counsel that the matter has been compromised between the parties and that a separate petition under section 482 Cr.P.C had been filed seeking quashing of the F.I.R.

Mr. Jagdish Manchanda, Advocate, who has put in appearance on behalf of the complainant states that there is no compromise that has been effected. He rather submits that in the quashing petition i.e. CRM No. M-16249 of 2015 one Mr. M.S. Lukhi, Advocate apparently had put in appearance on behalf of the complainant and made a statement regarding compromise having been effected but such statement was false and incorrect and in this regard the complainant has filed a separate complaint to the police as regards the Advocate in question having not been engaged at any point of time. Be that as it may, the version set up on behalf of the petitioner as regards a compromise having been effected, is categorically denied.

It may also be pertinent to notice that State counsel upon instructions from ASI Surender Kumar has informed the Court that even though, a decree of divorce was granted in the year 2009, yet, statement of Mr. Anil Bagri, Municipal Commissioner, Ward No.6, Pehowa Town has been recorded and as per which the present petitioner continues to stay in the matrimonial home i.e. of her ex-husband Jarnail Singh.

In the F.I.R there are specific allegations of entrustment of money to the accused in the presence of co-accused i.e. Jarnail Singh and Satnam Singh and after counting, the same having been handed over to the present petitioner.

Learned State counsel further apprises the Court that co-accused Jarnail Singh and Satnam Singh are evading the process of law and are on the run.

Under such circumstances, this Court is not inclined to accept the prayer made by the petitioner seeking concession of pre-arrest bail.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

10.3.2016
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