

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CRM M-27105 of 2015

Date of Decision: August 3, 2016

Pardeep Kumar and others

.....Petitioners

Vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. V.K. Thakur, Advocate  
for the petitioner.

Ms. H.K. Athwal, DAG, Punjab.

Mr. D.S. Pheruman, Advocate for the complainant.

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**M.M.S. BEDI, J.**

This order will dispose a petition filed by petitioners Pardeep Kumar, Mohit, Richa Rani and Sonia for grant of pre-arrest bail in FIR No. 66 dated July 24, 2015. The FIR was registered at the instance of Sham Sunder claiming that he is uncle of petitioner No.1 and is an NRI. Petitioners connived with each other and forged his signatures on two cheques and a sum of Rs.7 lacs and Rs.9 lacs were withdrawn from his account by petitioner No.1 Pardeep Kumar during the period from 2005 to 2008. The complainant had deposited huge amount on asking of the

petitioners on the pretext that they would purchase land in India in the name of complainant to fetch profits but no sale deeds were got executed in the name of the complainant. The complainant had left India leaving the keys of the house for the purpose of taking care but the petitioners started living in the house and refused to vacate it. The complainant had also allegedly purchased a car in the year 2007 from one Parminder Kaur but it was got transferred in the name of petitioner No.3 Richa Rani. Complainant claims that a fraud of Rs.2.20 crores has been played by the petitioners.

The complainant present in the Court has submitted that now he is in possession of the house.

Counsel for the petitioners has submitted that money, if any, sent by the complainant was utilized either for the maintenance of his house or for his marriage. It is alleged that the complainant had married a number of times and that the entire expenses have been borne by the petitioners.

After hearing counsel for the petitioners and the complainant, it transpires that there is a dispute regarding rendition of accounts as the money sent by the complainant is alleged to have been misappropriated. A perusal of the record and the documents produced by the complainant and the statements furnished by the complainant reflects that some amount is certainly required to be accounted for. Without expression of any opinion whether the rights of complainant are existing to recover the amount in this case, it will be expedient in the interest of justice to protect the liberty of the petitioners subject to their partly discharging the liability as the petitioners have admitted to compensate the complainant for some unaccounted

expenditure done as the dispute is amongst family members. The petitioners have already joined investigation pursuant to the interim orders.

In view of the above, 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 conditions that the petitioners will join investigation as and when required by the police and that petitioners will pay a total sum of Rs.25 lacs to the complainant in three equal instalments by paying money on September 7, 2016, October 7, 2016 and November 7, 2016 in the shape of bank drafts without prejudice to the rights of the parties to settle the account. The amount paid will be subject to the said settlement.

August 3, 2016  
sanjay

(M.M.S.BEDI)  
JUDGE

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|-----------------------------|----------|
| Whether speaking/ reasoned: | Yes/ No. |
| Whether Reportable:         | Yes/No.  |