

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

1. CRM No. M-27611 of 2015 (O&M) Date of Decision: 29.3.2016

Inderdeep Kaur --Petitioner

Versus

State of Punjab --Respondent

2. CRM No. M-31667 of 2015 (O&M)

Gagandeep Singh Bhatia --Petitioner

Versus

State of Punjab --Respondent

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

Present:- Mr. Rajiv Joshi, Advocate for the petitioners.

Mr. D.S. Virk, A.A.G., Punjab.

Complainant in person.

TEJINDER SINGH DHINDSA.J

This order shall dispose of CRM No. M-27611 of 2015 (Inderdeep Kaur Vs. State of Punjab) and CRM No. M-31667 of 2015 (Gagandeep Singh Bhatia Vs. State of Punjab) as both these petitions have been filed under Section 438 Cr.P.C seeking the concession of anticipatory bail to the petitioners herein in case F.I.R. No.85 dated 16.5.2015 under sections 420,120-B I.P.C, registered at Police Station, Navi Baradari, District Jalandhar.

Counsel for the parties have been heard.

In brief allegations made by the complainant Mr. Kashmir Singh Sandhu against the present petitioners and main accused namely Jaspal Singh Bhatia of having been defrauded of a sum of Rs.14 lacs approximately on the pretext of selling a vehicle in the first instance and thereafter even a plot admeasuring 20 marlas.

Main accused in the case is Jaspal Singh Bhatia. Inderpreet Kaur i.e. petitioner in CRM No. M-27611 of 2015 is his wife and Gagandeep Singh Bhatia i.e. petitioner in CRM No. M-31667 of 2015 is his son.

While issuing notice of motion, the following order was passed by this Court on 19.8.2015 in CRM No. M-27611 of 2015:-

“Learned counsel for the petitioner contends that the petitioner has not been attributed any role.

Notice of motion for 29.9.2015.

However, in case, the petitioner joins investigation and in the event of her arrest, she shall be released on interim bail to the satisfaction of the Investigating Officer. She shall join the investigation as and when required by the Investigating Officer. She shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under:-

- 1. That she shall make herself available for interrogation by a police officer as and when required;*
- 2. That she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3. That she shall not leave India without previous permission of the Court.”*

Likewise, the notice of motion order dated 21.9.2015, passed by this Court in CRM No. M-31667 of 2015 reads in the following terms:-

“Learned counsel for the petitioner relies upon order dated 19.8.2015 passed by this Court in CRM No. M-27611 of 2015 titled as “Inderdeep Kaur Vs. State of Punjab”.

Notice of motion for 29.9.2015.

Meanwhile, interim order in the same terms as in CRM No. M-27611 of 2015.

To be listed along with the aforesaid petition on the date fixed.”

During the course of arguments today it has transpired that out of the sum of Rs.14 lacs, Rs.80,000/- was deposited in the account of Inderdeep Kaur and a sum of Rs.1,20,000/- was deposited in the account of Gagandeep Singh Bhatia vide two separate account payee cheques.

Learned counsel appearing for the petitioners has furnished in Court today a banker's cheque of Rs.2 lacs drawn on Bank of Baroda and in the name of the complainant. The same has been handed over to the complainant, who is present in Court today. As per counsel such amount is in relation to the total amount that was stated to have been deposited in the accounts of the two petitioners herein.

It has gone uncontroverted that main accused Jaspal Singh Bhatia was arrested and thereafter has been granted benefit of bail. Challan qua main accused Jaspal Singh Bhatia already stands presented.

Learned State counsel upon instructions from ASI Sodhi Lal would apprise the Court that the two petitioners herein in the connected petitions have since joined investigation.

Under such circumstances and without making any observations on merits, this Court is of the considered view that the petitioners are entitled to the concession of pre-arrest bail. Accordingly, both the petitions are allowed. Order dated 19.8.2015 passed in CRM No. M-27611 of 2015 and order dated 21.9.2015 passed in CRM No. M-31667 of 2015, are made absolute.

It is, however, clarified that the banker's cheque of Rs.2 lacs in the name of the complainant and which has been handed over to him in Court today is without prejudice to the contentions to be raised during the course of trial by either of the parties.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

29.3.2016
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