

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(216)

CRM-M-3205-2016

Decided on: February 25, 2016.

Yogesh Kumar and another

.... Petitioners

Versus

State of Haryana

..... Respondent

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

Present: Mr. Jainainder Saini, Advocate, for the petitioners.

Mr. Gurdas Singh Salwara, DAG, Haryana.

M.M.S. BEDI, J (ORAL)

This order will dispose of an application for grant of pre-arrest bail to the petitioners.

The FIR was registered against the petitioners at the instance of Mukesh Kumar alleging that the petitioners being employees of BMA Wealth Creators Ltd. had persuaded the complainant to invest money for commodity trading. The allegation against petitioners is that huge amount was deposited by the complainant in the account of the petitioners for undertaking the trading business without obtaining the prior consent of the complainant. The ATM card of the complainant was misused and a sum of Rs.97,000/- belonging to the complainant was got transferred in the name of Kusum Singh and the said amount was got released through Kusum Singh. The main allegation is against petitioner No.1 of having actively duped the complainant with a bad intention from the very beginning. So far as petitioner No.2 is concerned, she is a lady and wife of petitioner No.1.

There are no specific allegations against her. It appears that she has been arrayed as an accused being wife of petitioner No.1. Petitioner No.2 has also joined the investigation.

Taking into consideration the totality of the circumstances, application of petitioner No.1 deserves to be dismissed as he might be required for custodial interrogation for the purpose of eliciting truth by the investigating agency. Ordered accordingly.

Petitioner No.2 being wife of petitioner No.1 can be granted concession of bail. Her application is allowed. It is ordered that in case of arrest of petitioner No.2 Manpreet Kaur, she will be released on bail to the satisfaction of the arresting officer subject to the conditions that she will join investigation as and when required and will not tamper with the evidence or hamper the investigation in any manner.

(M.M.S. BEDI)
JUDGE

February 25, 2016
harsha