

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.42454 of 2015

Date of Decision:-05.04.2016

Harjinder Singh & Anr.

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Ashok Giri, Advocate for the Petitioners.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Major Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioners husband and wife, namely, Harjinder Singh and Jasvir Kaur in case FIR No.114 dated 30.10.2015 for offence punishable under Section 420 of Indian Penal Code registered with Police Station Chamkaur Sahib, District Rupnagar.

As per the allegations, the complainant-Saudagar Singh is alleged to have paid a sum of Rs.4 lacs to the accused-petitioners for sending his son-Amanpreet Singh to Greece.

It is contended that to avoid payment of amount taken by the complainant from the accused/petitioners, a false case has been foisted upon

the petitioners. It is further contended that even the allegations have been made after two years of the alleged payment and that to for a son, who at that time was only 16 years of age.

Learned State Counsel assisted by ASI Major Singh submits that although the petitioner has joined investigation but remaining amount of Rs.1,60,000/- is yet to be recovered.

In response, learned Counsel for the petitioners submit that his clients would deposit a sum of Rs.1,60,000/- before the trial Court within 8 weeks from today without admitting the liability and prejudice to their rights and for a limited purpose of securing the present bail. The stand of the petitioner is reasonable and liable to be accepted.

In view of the aforesaid circumstances, pre-arrest bail granted on 15.12.2015 by this Court is hereby made absolute subject to the petitioner depositing the aforesaid amount of Rs.1,60,000/- within 08 weeks from today without prejudice to their rights as aforesaid. In case the said amount is not deposited on or before 31.05.2016, the present application seeking anticipatory bail on behalf of both petitioners herein shall be deemed to be dismissed and prosecution would be free to proceed in accordance with law.

Petition stands disposed of in the above terms.

(JASWANT SINGH)
JUDGE

April 05, 2016
Vinay