

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 4561 of 2016
Date of decision:- 24.2.2016

Minakshi Chawla and anr

Petitioners

vs.

State of Haryana

Respondent

Present: Mr. PS Ahluwalia, Advocate.
Mr. GS Salwara, DAG, Haryana
Mr. RK Saini, Advocate.

M.M.S.BEDI,J.

The petitioners seek the concession of pre-arrest bail. They are wife and father of Varun Chawla, respectively. The petitioners along with Varun Chawla had allegedly induced complainant Dr. OP Singla to invest in BMA Wealth Creators Limited for earning huge profits.

Counsel for the complainant has intervened to oppose the petition for pre-arrest bail.

Learned State counsel, on the instructions of ASI Mohan Lal informs that husband of petitioner No.1 has already been arrested.

With the assistance of counsel for the parties, I have gone through the record to test the argument of counsel for the complainant that the petitioners are instrumental in inducing the complainant to part with money and are beneficiaries of the financial transactions. Statement of the complainant dated 13.12.2015 u/s 161 Cr.P.C. suggests that the petitioners have accompanied Varun Chawla when money was handed over to Varun Chawla. A sum of Rs. 4 Lacs allegedly transferred by the wife of the complainant on 29.8.2015 in the account of petitioner No.1, has already been transferred in the account of the complainant. The allegation

of the complainant is that he was duped of for a sum of Rs.85 lacs. The transfer of sum of Rs. 4 lacs in the account of petitioner No.1 by the wife of the complainant and the transfer of Rs. 1 lac in the account of petitioner No.2, are not suggestive , at this stage, of any active role having been played by the petitioners in inducing the complainant OP Singla and his wife to part with money with any false promise. Petitioner No.1 is stated to be house hold lady, whereas petitioner No.2 is stated to be an old man. As the petitioners have joined investigation on 13.2.2016; the case appears to be a combination of civil and criminal liability, it does not appear to be a case of custodial interrogation qua the petitioners.

Accordingly, 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 condition that they will join the investigation as and when required by the police and will not tamper with evidence or hamper the investigation.

February 24 ,2016
TSM

(M.M.S.BEDI)
JUDGE