IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM No.M-16379 of 2016 (O&M)
Date of Decision: 08.02.2017

Kamaljit Kaur ... Petitioner

Versus

State of Punjab ... Respondent

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

Present:- Mr. Shashikant Gupta, Advocate for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

Mr. Swarn Tiwana, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.64, dated 03.04.2016, under Section 420 IPC, registered at Police Station Dhaka, District Ludhiana.

This Court while issuing notice of motion on 12.05.2016 had granted ad interim protection to the petitioner as regards arrest subject to her joining investigation.

In a nutshell, the allegations levelled by the complainant, namely, Lakhbir Singh are that the present petitioner in the capacity of a travel agent has misappropriated a sum of Rs.30.20 lacs on the pretext of sending him to America.

The contention of the counsel appearing for the petitioner is that the petitioner was in live in relationship with the complainant over a period of almost 4 year and during such period, a sum of Rs.13.75 lacs had been deposited by the complainant in her account. It is further contended that only because the relationship has soured that the present FIR has been filed.

Learned State counsel upon instructions from HC Varinder Singh apprises the Court that the petitioner has since joined investigation.

Even though counsel for the complainant vehemently opposes the petition by contending that apart from 13.75 lacs having been deposited by way of one single transaction substantial amounts of cash had also been given to the petitioner in the year 2013 itself and thereafter even though the complainant had been sent to Malaysia but thereafter the requisite documents etc. were not provided as regards him being sent to America and as such amount paid to the accused party has been misappropriated.

Having heard counsel for the parties, I am of the considered view that the petitioner is entitled to the concession of pre-arrest bail.

As per State counsel, the accounts statement of the petitioner does reflect a deposit of Rs.13.70 lacs from the complainant. Such deposit relates to the year 2013. Even as per version of the complainant, the balance amount was paid by cash and that also in the year 2013. For some strange reason, the present FIR has been registered only in the year 2016 in pursuance to a complaint dated 09.06.2015. No explanation has come forth as regards silence on the part of the complainant for a period of almost 18 months.

Even the bank account statement of the petitioner reflects only one heavy deposit of Rs.13.75 lacs and which in any case the petitioner is conceding to and justifying on the strength of a live in relationship. Apparently had the petitioner being a travel agent her bank statement would have reflected numerous entries.

Without making any observations on merits and keeping in view the fact that the petitioner has since joined investigation, the prayer made in the present petition is accepted.

Petition is allowed. Order dated 12.05.2016 passed by this Court is made absolute.

Disposed of.

08.02.2017 **(TEJINDER SINGH DHINDSA)**
harjeet **JUDGE**

i) Whether speaking/reasoned? Yes

ii) Whether reportable? No