CRM-M-23925-2017 and
CRM-M-23971-2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of Decision:19.07.2017

1. CRM-M-23925-2017

Mohini Singh

... Petitioner

Versus

State of U.T. Chandigarh

... Respondent

AND

2. CRM-M-23971-2017

Surinder Negi

... Petitioner

Versus

State of U.T. Chandigarh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms. Amandeep Sibia, Advocate,
for the petitioner in CRM-M-23925-2017.

Mr. Manjeet Singh, Advocate for
Mr. B.S.Makar, Advocate for
the petitioner in CRM-M-23971-2017.

Ms. Ashima Mor, APP for U.T. Chandigarh.

Mr. Roopak Bansal, Advocate,
for the complainant.

CRM-M-23925-2017 and
CRM-M-23971-2017

INDERJIT SINGH, J.

This order shall dispose of CRM-M-23925-2017, filed by petitioner-Mohini Singh and CRM-M-23971-2017, filed by petitioner-Surinder Negi, under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.192 dated 16.06.2017, registered at Police Station South Sector 34, Chandigarh, under Sections 420 and 120-B of the Indian Penal Code.

Notice of motion was issued in these petitions. Learned APP for U.T. Chandigarh has put in appearance on behalf of respondent-State and complainant has also appeared through her counsel. They contested both these petitions.

I have heard learned counsel for the parties as well as learned APP for U.T. Chandigarh and have gone through the record.

From the record, I find that in the present case, complainant-Rubal Dewan wife of Parshant Dewan has got registered the FIR by filing a complaint under Section 156 (3) Cr.P.C. As per the allegations, a fake account has been opened in the name of complainant by the accused in connivance with the bank Manager and transaction of Rs.11 lakhs etc. has been made by depositing money and then immediately withdrawing the same.

The allegation against petitioner -Mohini Singh is that money has been deposited in the disputed account from the account of petitioner-Mohini Singh.

Learned counsel for the petitioners argued that husband of the complainant was in connivance with Tarun Kumar etc. and even the cheques vide which the money was withdrawn, are filled by the husband of the complainant.

Learned counsel for petitioner-Surinder Negi also argued that only fault of petitioner-Surinder Negi, who is a bank Manager is that he has verified the account.

All these facts are to be seen by the investigating officer and then to be determined by the trial court on the basis of evidence. The case is based on documentary evidence and there is nothing on record that the petitioners have cheated the complainant or embezzled any amount.

In pursuance of the interim order dated 12.07.2017 passed by this Court in CRM-M-23925-2017, petitioner-Mohini Singh has already joined the investigation. She is not required for custodial interrogation. Therefore, no useful purpose will be served by sending the petitioner to custody.

So far as petitioner-Surinder Negi is concerned, I find that case is based on documentary evidence and no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in both these petitions and the same are allowed. The order dated 12.07.2017 passed in CRM-M-23925-2017, granting interim bail to petitioner-Mohini Singh, is made absolute. However, in the event of arrest of petitioner-Surinder Negi, he be released on anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, both the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

19.07.2017 **(INDERJIT SINGH)**
parveen kumar **JUDGE**

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No