

Sr. No.202

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-35059 of 2016 (O&M)

Date of Decision: 20.02.2017

Amit Kumar

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. S.S.Toor, Advocate,
for the petitioner.

Ms. Harpeet K. Athwal, DAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.112 dated 10.10.2015, under Sections 381, 406, 420, 120-B IPC, registered at Police Station Phase-11, Mohali.

On 23.11.2016 while issuing notice of motion, the following order was passed by this Court:

“CRM-36759-2016

“Prayer in this application is for grant of permission to place on record the statement of complainant Tarlochan Singh and his daughter Damini along with statement of Deepak Kumar as Annexures A-1 to A-3.

The documents Annexures A-1 to A-3 are taken on record subject to all just exceptions.

CRM stands disposed of.

CRM-M-35059-2016

Learned counsel for the petitioner states that the petitioner was merely working as helper with the complainant and there is no allegation that he has siphoned the money of the complainant in any manner.

Notice of motion for 20.02.2017.

In the meantime, in the event of arrest of the petitioner, he shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned State counsel upon instructions from ASI Jatinder Kumar apprises the Court that the petitioner has since joined investigation and even the challan stands presented.

It may be briefly noticed that the FIR came to be registered on the complaint of a retired Commander of Indian Navy, aged about 92 years raising allegations that one Deepak Kumar who was working as a domestic help with him for the last about 15 years had misused his proximity and position of trust and had siphoned out an amount of Rs.1 crore and 12 lakhs approximately from the account of the complainant.

Insofar as the present petitioner is concerned, he is sought to be implicated on the basis that he is the brother-in-law of brother of the main accused Deepak. That apart as per prosecution version, certain amount of money was even deposited in the account of the present petitioner.

Undisputedly, main accused Deepak is in custody. Co-accused

Rani Devi i.e. wife of main accused has been granted benefit of regular bail.

In view of such facts and circumstances, custodial interrogation of the petitioner would not be warranted.

Petition is allowed.

Order dated 23.11.2016 passed by this Court is made absolute.

20.02.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes