

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-39474 of 2014

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Date of decision:12.1.2017

Vijay Shukla and another

.....Petitioners

v.

State of Punjab

.....Respondent

....

Present: Mr. K.S. Dadwal, Advocate for the petitioners.

Mr. Deep Singh, Assistant Advocate General, Punjab
for the respondent-State.

Mr. Vinay Pandey, Advocate for the complainant.

Mr. Vivek Sethi, Advocate for Income-Tax Deptt.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.127 dated 16.10.2014 registered for the offences under Sections 406, 420 and 120-B IPC at Police Station Division No.4, Jalandhar, District Jalandhar.

Notice of motion has been issued in this case.

Mr. Deep Singh, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State, Mr. Vinay Pandey, learned Advocate has appeared for the complainant Mr. Vivek Sethi, learned Advocate has appeared for Income-Tax Deptt. and contested this petition.

I have heard learned counsel for the parties and learned Assistant Advocate General, Punjab appearing for the respondent-State and

have gone through the record.

During the pendency of the proceedings, learned counsel for the parties have stated that it would be appropriate if the matter is investigated by the Income-Tax Department. The FIR was registered on the basis of a written complaint filed by Mandeep Jaswal against Dr. Vijay Shukla alias Sony and Aradhana Shukla-petitioners for cheating and defrauding the complainant. The dispute is between the brother and sister where the brother claims that since he and his wife were Non Resident Indians, his sister and her husband depued them of almost ₹1,30,00,000/- (One crore and thirty lakhs rupees). The case of the accused-petitioners on the other hand is that the entire money, which may have been received from the brother, was spent as per his desire and for his purposes and rather, as on date they have to take a sum of more than ₹60 lakhs from the complainant.

The interim order was passed staying the arrest of the petitioners on 19.11.2014 and then on 31.8.2015, the petitioners were directed to join the investigation and interim bail was granted. The petitioners have already joined the investigation. The dispute between the parties is based on documentary evidence i.e. joint account etc. of the accused and the amount withdrawn from the accounts etc. The petitioners are not required for custodial interrogation and investigation. The offences are triable by Judicial Magistrate Ist Class.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the

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same is allowed. The interim orders dated 19.11.2014 and 31.8.2015 passed by this Court granting interim bail to the petitioners are made absolute. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

January 12, 2017.

(Inderjit Singh)
Judge

hsp

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