

CRM-M-42276-2017

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision: 14.11.2017

Prem Kumar and others

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate,
for the petitioners.

Mr. B.S.Virk, DAG, Haryana.

Mr. Sandeep Singh Ghangas, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioners-Prem Kumar, Tilak Raj and Darbari Lal have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.1227 dated 15.12.2014, registered at Police Station Chandni Bagh, Panipat, District Panipat, under Sections 406, 420, 465, 467, 468, 469, 471, 477-A and 120-B of the Indian Penal Code.

Notice of motion was issued in this case. Learned State counsel has put in appearance on behalf of the respondent-State and complainant has also appeared through her counsel. They contested this petition.

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I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

Learned counsel for the petitioners has brought into notice of this Court that it is a matrimonial dispute between the parties. The wife has got registered the present FIR and the present petitioners are husband, brother-in-law (Jeth) and father-in-law of the complainant. He argued that the matrimonial dispute arose about in the year 2013. Admittedly, there was a firm and the petitioners were having transactions with the bank regarding the account of the complainant, but they were authorized to operate the same. He further argued that in para No.5 of the reply given by the complainant in the proceedings under Section 13 of the Hindu Marriage Act, it has been stated that she remained proprietor of the firm, but she authorized her husband and her brother-in-law to do all the acts on her behalf as well as on behalf of her firm. She authorized her brother-in-law Tilak Chhachra to do all the bank transactions inclusive of withdrawal and depositing power of cash, D.D. etc. on her behalf as well as on behalf of her firm. It is nowhere mentioned in the reply that any forged cheque has been used.

I have gone through the record, but without expressing any opinion on the merits of this case, I find at this stage that the petitioners are not required for custodial interrogation. The report of FSL has not been received so far, rather reply given by the complainant in the petition filed under Section 13 of the Hindu Marriage Act shows that when the business was flourishing, petitioner-Prem Kumar started heavily drinking and developed illicit relations with other women etc.

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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 that the petitioners have already joined the investigation; that they are not required for custodial interrogation; that nothing is to be recovered from them and that the case of prosecution is based on documentary evidence. Therefore, no useful purpose will be served by sending the petitioners to custody. Finding merit in the present petition, the same is allowed. The order dated 09.11.2017, granting interim bail to the petitioners, is 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.

However, nothing stated above in any way will constitute my opinion on the merits of the case.

14.11.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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