

LOVELEEN AND ANOTHER VS STATE OF PUNJAB AND OTHERS

Present: Mr. Ajay Singla, Advocate,
for the petitioners.

Mr. Charanpreet Singh, AAG, Punjab.

None for respondents No.4 to 6.

While deciding CRM-M No.6051 of 2017, following order was passed on 31.05.2017:-

“In compliance to order dated 22.02.2017, FDR in a sum of Rs.5 lacs has been created in the name of petitioner No.1 and the same is handed over to petitioner No.1 in Court today after retaining photocopy of the same on record.

Petitioner No.1 undertakes to preserve the same till the period of validity.

Petitioners were directed to approach respondent No.2 in context of their representation dated 19.02.2017, but it appears that petitioners have already approached respondent No.2 in the context of direction given by this Court on 22.02.2017.

Let the necessary order be passed by respondent No.2 in compliance of order dated 22.02.2017.

A copy of FDR be sent to Punjab and Sind Bank, Branch Jalandhar Mithapur along with the order passed herein with a direction not to allow premature encashment of FDR in any manner.

Disposed of.”

As per direction contained in the aforesaid order,

Punjab and Sind Bank, Branch Jalandhar Mithapur was informed along with copy of the order. The Bank vide letter dated 14.06.2017 informed the office of Superintendent (Criminal), High Court (Punjab and Haryana), Chandigarh that on receipt of notice, the Bank came to know that the party has already got premature payment of the said FDR on 01.06.2017. The Bank informed the High Court accordingly.

The matter was placed before this Court. On 02.08.2017, following order was passed:-

“Order dated 22.02.2017 was passed on the assurance of learned counsel for the petitioners that petitioner No.2 would create fix deposit in a sum of Rs.5 lacs in the name of petitioner No.1 within one month.

Notice of motion was issued. Thereafter, vide order dated 31.05.2017, the petition was disposed of after noticing the fact that fix deposit in a sum of Rs.5 lacs has been created in the name of petitioner No.1. The FDR was handed over to petitioner No.1 after retaining photocopy of the same on record. Petitioner No.1 undertook before the Court that the deposit shall be preserved till period of validity.

Now, the Manager of the concerned Bank has made a communication to this Court that the fix deposit has been prematurely encashed by the petitioner No.1 even before reaching the order in the Bank.

Let notices be issued to the petitioners to be served through the S.H.O. of Police Station Jamsheer Khas, Alipur, Jalandhar for 25.08.2017.”

In pursuance of the said order, the case was taken up on 25.08.2017. Notice was also issued to Mr. Gagan Bajaj, Advocate for respondents No.4 to 6. Parties were directed to remain present in the Court on the next date of hearing i.e. 15.09.2017. On 15.09.2017, learned counsel for the petitioners sought time in the context of executing fresh FDR with an escalated amount to the tune of Rs.7 lacs by petitioner No.2 in favour of petitioner No.1 on the same terms and conditions as pointed out in the order dated 22.02.2017. The matter was adjourned for today.

Today, learned counsel for the petitioners on instructions from petitioner No.2 states that due to financial crunch on account of family feud, petitioner No.2 is not in a position to execute any such FDR in favour of petitioner No.1. Petitioner No.1 was the beneficiary of the amount to be deposited in the form of FDR. In fact, earlier FDR was executed in the name of petitioner No.1 and the same was encashed by petitioner No.1 alone prematurely, therefore, the beneficiary herself has turned out to be non-interested party in creation of financial nucleus in her favour. None appeared on behalf of respondents No.4 to 6 in the Court.

Keeping in view the nature of litigation i.e. protection qua life and liberty of run away couple, I deem it appropriate not

to initiate any criminal proceedings against the petitioners,
however they are warned to be careful in future.

23.10.2017

Prince

**(RAJ MOHAN SINGH)
JUDGE**