

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

CRM No. M-16886 of 2017 (O&M)

Date of Decision: 11.05.2018

Rupinder Kaur

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Ms. Puja Chopra, Advocae,
for the petitioner.

Mr. H.S.Sullar, DAG, Punjab.

Mr. Vaibhav Narang, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre arrest bail to the petitioner in case FIR No.181 dated 13.04.2017 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, registered at Police Station Civil Lines, Police Commissionerate, Amritsar.

While issuing notice of motion, the following order was passed by this Court on 12.05.2017:-

***The present petition has been filed under
Section 438 Cr.P.C for grant of anticipatory bail to the
petitioner in case FIR No.181 dated 13.4.2017
registered under sections 419, 420, 465, 467, 468, 471,
120-B I.P.C at Police Station, Civil Lines, Amritsar,
District Amritsar City.***

FIR came to be registered on the statement of Deepak Vig. Complainant asserted that he and his wife were introduced to Hawa Singh Tanwar through Ramesh Kumar Shukla @ Safar. Hawa Singh Tanwar proclaimed himself to be the Secretary of a Human Rights Organization working under the name and style of Akhil Bhartiya Human Rights Organization (A.B.H.R.O) as also Chief Editor of a publication firm 'Sun Star'. Precise allegations are that Hawa Singh Tanwar induced the complainant as also his wife to invest money in the publication firm 'Sun Star' and attractive returns were assured. A total sum of Rs.88 lacs is stated to have been made over by the complainant party and to Hawa Singh Tanwar by way of R.T.G.S entries and in the bank account of Hawa Singh Tanwar. Such amount is stated to have been misappropriated by Hawa Singh Tanwar.

In so far as the present petitioner is concerned, counsel appearing for the complainant would vehemently oppose the prayer by submitting that the petitioner is a partner with the main accused Hawa Singh Tanwar in a number of projects. Be that as it may, counsel appearing for the complainant has not been able to rebut the contention raised on behalf

of the petitioner that she is not in any manner associated with the publication firm namely 'Sun Star' and in which the money had been invested. That apart, as far as the agreement dated 7.11.2016 set up by Hawa Singh Tanwar to avoid his financial obligation towards the complainant is concerned, the role attributed to the present petitioner is that of an attesting witness and having identified Hawa Singh Tanwar.

Against the limited allegation and role assigned to the petitioner, this Court is of the prima facie view that she is entitled to ad interim protection as regards arrest subject to her joining investigation.

Notice of motion, returnable for 3.8.2017.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C."

Learned State counsel has apprised the Court that petitioner has since joined investigation.

It has gone uncontroverted that the only role assigned to the petitioner is that of an attesting witness to an agreement dated 07.11.2016 set up by main accused, namely, Hawa Singh Tanwar as also on a S.H. Form (Share Transfer Form). Even as per allegations, there is no entrustment of money by the complainant party to the present petitioner.

In the considered view of this Court, the petitioner who is a 24 year old lady and having joined investigation, her custodial interrogation would not be warranted.

Petition is allowed.

Order dated 12.05.2017, passed by this Court is made absolute.

Disposed of.

11.05.2018
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No