

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

CRM-M-21969-2018 (O&M)

Date of Decision:-29.8.2018

Rajender Mahajan and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Monty Goyal, Advocate for the petitioners.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

GURVINDER SINGH GILL, J.(Oral)

The petitioners Rajender Mahajan and Isha Kalia have filed this petition seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.78 dated 3.4.2018 under Section 406 of Indian Penal Code, 1860 at Police Station Chandimandir, District Panchkula.

The FIR was lodged at the instance of Hari Parkash Sharma, who alleged that he became friendly with one Rakesh Kumar, while he used to visit Courts and they were also on visiting terms. The said Rakesh Kumar suggested a match for his daughter and the boy was stated to be settled in America. Consequently, Ravinder Kalia, Reeta Kalia, Isha Kalia and one more person named as Rajinder Mahajan visited the house of the complainant and the marriage of daughter of the complainant was fixed with Vikas Kalia, son of Ravinder Kalia. It is further the case of the complainant that subsequently the aforesaid persons allured the complainant by stating that they would arrange for a visa for complainant's son Yashu Sharma for

sending him to America and Australia and believing them, the complainant transferred various amounts into the bank account of Ravinder Kalia through RTGS. An amount of ₹ 5 lacs was transferred in Ravinder Kalia's account on 13.10.2016. Another amount of ₹ 3 lacs was also transferred to the bank account of Reeta Kalia through RTGS on 31.12.2016. Another amount of ₹ 5 lacs was transferred on 9.1.2017 in the bank account of Ravinder Kalia. Another amount of ₹ 3 lacs was transferred on 24.1.2017 and again transferred another amount of ₹ 3 lacs into the bank account of Ravinder Kalia on 2.2.2017 and thus an amount of ₹ 19 lacs was transferred. Subsequently, it is alleged that another amount of ₹ 2 lacs in cash was given for arranging visa for daughter of the complainant. However, no visa was arranged and in fact the daughter of the complainant was turned out of her matrimonial home and another amount of ₹ 1.5 lacs lying in her bank account was embezzled. Thus it is alleged that accused took an amount of ₹ 22.5 lacs in all.

Notice of this petition was issued to the State.

The learned State counsel has opposed the same.

The learned counsel for the petitioners has submitted that although the petitioners are named in the FIR but there is no specific allegation to the effect that they have received any amount. It has further been submitted that petitioner No.2-Isha Kalia is a married daughter of Ravinder Kalia and that Rajinder Mahajan is merely an acquaintance and not a member of the family of Ravinder Kalia.

On the other hand, the learned State counsel has submitted that although the petitioners have joined investigation but the remaining 5

accused are still at large and that huge amount of ₹ 22.5 lacs is yet to be recovered.

Having considered the rival submissions addressed before this Court, I find that the present two petitioners are not alleged to have taken any amount out of the alleged amount of ₹ 22.5 lacs. In any case, petitioner No.2-Isha Kalia is a married daughter of Ravinder Kalia. Even, Rajinder Mahajan is not directly attributed any role in the entire episode.

Having regard to the aforesaid facts and circumstances and the fact that the petitioners have already joined investigation, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 22.5.2018 are hereby made absolute subject to the condition that the petitioners shall appear before the Investigating Officer as and when directed.

The present petition stands disposed of accordingly.

29.8.2018

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No