

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

CRM-M No.29620 of 2017

Date of Decision: 31.05.2018

Randhir Singh

....Petitioner

Versus

State of Punjab

....Respondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. R.S. Bains, Advocate
for the petitioner.
Mr. Hittan Nehra, Addl. A.G., Punjab.
Mr. Rajbir Singh, Advocate
for the complainant.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.128 dated 21.07.2017 registered under Sections 406, 420 and 120-B of the Indian Penal Code at Police Station Kharar, District SAS Nagar Mohali.

Learned counsel for the petitioner submits that the said FIR was registered after delay of more than four years. As per allegations in the FIR, the deceased son of the complainant has got insured two policies from one Ram Kirpal, who was working as an LIC agent. The petitioner is not the beneficiary of the policy. It is also the allegation that said Ram Kirpal has transferred an amount of Rs.10 lacs into the account of his son and he has misappropriated the same. The complainant approached said Ram Kirpal and he agreed to return the same in instalments to the complainant but subsequently, he refused to return the said amount. Learned counsel also submits that said Ram Kirpal is the main accused, who had transferred the

amount into the account of his son and he has already expired. The other beneficiaries, in whose account the amount was transferred, are in judicial custody. Learned counsel also submits that the complainant was having ill-will towards another accused, namely, Avtar Singh as they were not on visiting terms with each other for the last more than four years. The complainant is the sister-in-law of co-accused Avtar Singh and prior to the death of her husband, she was having illicit relations with one Harjit Singh, who is accused of causing murder of son of the complainant. The petitioner and other co-accused are the witnesses in case FIR No.49 dated 16.03.2012 registered under Sections 302 and 201 IPC at Police Station Sehore, District Badhni (M.P). Said FIR was registered against one Harjeet Singh, who was the paramour of complainant-Jaswinder Kaur. The sister of co-accused Avtar Singh, namely, Sarabjit Kaur was married with said Harjeet Singh who was having illicit relations with Jaswinder Kaur, who is the wife of brother of co-accused Avtar Singh. Learned counsel also submits that the evidence of co-accused has been recorded and he has supported the case of the prosecution. Learned counsel also submits that the statement of the petitioner is yet to be recorded in the said murder case and in order to put pressure upon the petitioner, the present FIR has been registered.

Learned State counsel, while opposing the submissions made by learned counsel for the petitioner, submits that the petitioner does not deserve the concession of anticipatory bail as specific allegations are there against him. As per allegations, the petitioner entered into a criminal conspiracy and misappropriated an amount of Rs.17,32,500/- in connivance with main accused Ram Kirpal, Nirmala Devi and Sanjay Kumar. The amount was of the Insurance Company received after the death of son of the

complainant. Learned counsel also submits that FIR No.49 dated 16.03.2012, which was lodged in the State of M.P has no connection with the present case. Learned State counsel further submits that the custodial interrogation of the petitioner is required to know about the connecting evidence; role of the petitioner and also for effecting recovery.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner keeping in view the seriousness of offence and active role of the petitioner in commission of offence.

Heard the arguments of learned counsel for the parties and have also perused the documents available on the file.

Admittedly, the anticipatory bail filed by co-accused Jaswinder Kaur has been dismissed on 15.12.2017. As per allegations in the FIR, main accused Ram Kirpal along with his family members and 1-2 more persons have usurped the amount under the LIC policies of the complainant. Said accused Ram Kirpal has transferred the amount in the account of his son. Ram Kirpal committed suicide on 11.07.2016 and thereafter, the FIR was registered. It was found during investigation that the amount was transferred in the account of accused Nirmala Devi, Sanjay, Satnam Singh, Avtar Singh as well as Randhir Singh, the present petitioner. The case of the petitioner is at par with co-accused Nirmala Devi, whose anticipatory bail has been dismissed.

The petitioner was earlier granted concession of interim bail by this Court vide order dated 16.08.2017 subject to deposit a draft of Rs.2.50 lacs but on his failure to deposit the same, the interim protection granted to him was not extended vide order dated 11.09.2017. However, the petitioner

joined investigation in pursuance of directions issued by this Court but he did not co-operate in the investigation. It has come during investigation that the petitioner and his co-accused shared the amount of Rs.17,32,500/- and from the Bank Account Statements of Nirmala Devi and Sanjay, it was verified that the amount was deposited in their accounts. The FIR in the present case was registered after conducting the preliminary enquiry into the complaint of Jaswinder Kaur by the Deputy Superintendent of Police (Headquarters) District S.A.S. Nagar. It was found during investigation that the amount of Rs.17,32,500/- was deposited in the account of Nirmala Devi and Sanjay in State Bank of India, Sector 70 Branch Mohali and subsequently, it was withdrawn by them and thereafter, distributed among Nirmala Devi, Sanjay, Satnam Singh, Avtar Singh and Randhir Singh, the present petitioner. The case of the petitioner is at par with another co-accused, whose bail has already been dismissed.

Certain factors are to be taken into consideration while granting the benefit of anticipatory bail. The delay in lodging of FIR is not the only ground upon which the accused persons becomes entitled for grant of benefit of anticipatory bail. Moreover, the petitioner has not deposited the amount in spite of undertaking given before this Court. His Case is at par with co-accused Nirmala Devi, whose application for anticipatory bail has already been dismissed.

Accordingly, the present petition, being devoid of any merit, is hereby dismissed.

(DAYA CHAUDHARY)
JUDGE

31.05.2018

gurpreet

Whether speaking/reasoned

Whether Reportable

Yes/No

Yes/No