

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

**Criminal Misc.No.M-33694 of 2018 (O&M)
Date of Decision : 27.09.2018**

Sudesh Bala and another

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present : Mr. Impinder Singh Dhaliwal, Advocate
for the petitioners.

Mr. Ashok Muthreja, DAG, Haryana.

Mr. G.S.Sidhu, Advocate, for the complainant.

RAJ SHEKHAR ATTRI, J. (Oral)

CRM Nos.34318 and 33624 of 2018

Applications are allowed, as prayed for, subject to all just exceptions. Documents Annexures R-2 and P-4 to P-7 are taken on record.

CRM M-33694-2018

The petitioners have preferred the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.172 dated 16.07.2018, registered under Sections 420, 120-B, 34 IPC at Police Station Ellenabad, District Sirsa.

Briefly stated, it is a case of the prosecution that petitioner No.1 Sudesh Bala duped a sum of Rs.11,00,000/- from the complainant Darshan Singh on the pretext of sending his son abroad. Out of them Rs.5,00,000/- had been paid in cash and remaining amount had been deposited either in the bank account of Sudesh Bala or on her instance in the bank accounts of

other persons. Neither the son of the complainant was sent nor the amount was returned.

Learned counsel for the petitioners has submitted that a compromise has already been effected between the parties and strong reliance has been placed upon the copy of the panchayati compromise (Annexure P-4) wherein it is mentioned that complainant Darshan Singh has been satisfied with regard to the payment of Rs.5,00,000/- and that amount may not be included in the case.

Learned State counsel as well as learned counsel for complainant has submitted that no such compromise has been effected and the petitioners failed to pay this amount and petitioner No.1 admitted her liability.

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

A compromise (Annexure P-4) is alleged to have been effected on 10.09.2018 i.e. much after the registration of FIR but the learned State counsel as well as learned counsel for complainant have denied the said compromise and the same is a matter of evidence.

It is well established that the petitioner No.1 Sudesh Bala has obtained Rs.11,00,000/- from the complainant on the pretext of sending his son abroad. The police want to recover the said amount from her.

Keeping in view the facts and circumstances of this case, this court is of the opinion that the custodial interrogation of petitioner No.1 Sudesh Bala is essential. Thus, she is not entitled to the concession of anticipatory bail.

So far as petitioner No.2 Jagdeep Singh is concerned, no specific

role has been made to him. He has been arrayed as an accused being the husband of petitioner No.1 Sudesh Bala.

To the mind of this court, petitioner No.2 Jagdeep Singh is entitled to the concession of anticipatory bail solely on the ground that no specific role has been attributed to him and the allegation of duping the amount from the complainant is only against petitioner No.1 Sudesh Bala.

Consequently, the present petition is dismissed qua petitioner No.1 Sudesh Bala and is allowed qua petitioner No.2 Jagdeep Singh. It is ordered that he be released on anticipatory bail, subject to his furnishing bail bonds to the satisfaction of Arresting/Investigating Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. failing which he shall lose the benefit of bail allowed to him.

**(RAJ SHEKHAR ATTRI)
JUDGE**

27.09.2018
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable :	Yes/No

