

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

**CRM-M No.3918 of 2018
Date of Decision: 14.03.2018**

Mandeep Singh and another

.....Petitioners

Vs

State of Punjab

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. H.S. Brar, Advocate
for the petitioners.

Mr. Sandeep Kumar, D.A.G., Punjab.

Mr. Deepak Gupta, Advocate
for the complainant.

RAJ MOHAN SINGH, J.

Petitioners have prayed for the grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.40 dated 17.03.2013, registered under Sections 419, 420, 465, 467, 468, 471, 120-B IPC and Sections 66, 66C, 66D of the IT Act at Police Station City Sri Muktsar Sahib, Tehsil & District Sri Muktsar Sahib.

Brief facts are that Mohanbir Singh, who was the uncle of complainant and petitioner No.2 was murdered in the year 2006. Petitioners were tried for the said offence and were

convicted in the year 2017. Murder of Manmohan Kaur Lamba aunt of the complainant and petitioner No.2 took place in the year 2012. Petitioner No.1 is the husband of petitioner No.2. There was a registered Will executed by Manmohan Kaur Lamba in favour of petitioner No.2 in the year 2010 for which civil suit is pending between petitioner No.2 and the complainant.

The allegations against the petitioners are that they have operated the bank account of Manmohan Kaur Lamba after her death. Account of Manmohan Kaur Lamba was allegedly operated which was joint account with Mohanbir Singh.

Learned counsel for the petitioners submitted that Rajni Gulati, Ramandeep Kaur and Raman Bhatia @ Raman Kumar have already been granted concession of anticipatory bail vide order dated 27.09.2016 passed by the Co-ordinate Bench of this Court in **CRM-M No.16216 of 2016**.

Learned counsel further submitted that the first petition was withdrawn by the petitioners on 27.11.2017. The allegations are revolving around the documentary evidence. Petitioners are in judicial custody since 12.08.2014. Petitioner No.2 was having a registered Will in her favour and on the strength of said Will, she had inherited the property of Manmohan Kaur Lamba and,

therefore, she was competent to operate joint bank account of Manmohan Kaur Lamba, even after her death. Civil litigations are pending, therefore, petitioners are entitled for regular bail.

Learned counsel by relying upon **Sanjay Chandra and Vinod Goenka vs. Central Bureau of Investigation, 2011(4) R.C.R. (Criminal) 898** contended that in case of economic offences of huge magnitude causing loss to the State Exchequer after investigation and filing of chargesheet, regular bail can be granted to the accused, as bail is the Rule and committal to jail is an exception. Refusal of bail is a restriction of personal liberty of an individual which has been guaranteed under Article 21 of the Constitution of India.

Learned counsel also relied upon **Babba vs. State of Maharashtra, (2005) 11 SCC 569** and **Siddharam Satlingappa Mhetre vs. State of Maharashtra, 2011(1) R.C.R. (Criminal) 126.**

On the other, learned State counsel duly assisted by learned counsel for the complainant opposed the prayer of the petitioners for grant of regular bail.

I have considered the submissions made by learned counsel for the parties.

Evidently, the allegations are based on documentary

evidence. The admissibility and veracity of those documents would be tested by the trial Court during trial. The offences under the IT Act have complete mechanism therein. The offences are triable by the Magistrate. The complicity of the petitioners in terms of their antecedent behaviours would be tested by the trial Court at the relevant time.

At this stage, for the reasons recorded hereinabove and without adverting to the merits of the case, I am of the view that the petitioners are entitled to the concession of regular bail.

In view of above, petition is allowed. Petitioners are ordered to be enlarged on bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

March 14, 2018

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No