

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7744 of 2018

Date of decision: 13.07.2018

MEHAR SINGH

..Petitioner

VS.

STATE OF PUNJAB

..Respondent

CORAM:HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. M.K. Singla, Advocate for the petitioner.

Mr. J.S. Walia, Sr. DAG, Punjab.

SUDHIR MITTAL, J.(ORAL)

The petitioner seeks anticipatory bail in case FIR No.35, dated 05.02.2018, registered at Police Station City Ferozepur, District Ferozepur, under Sections 420 and 120-B IPC.

The allegations in the FIR are that the son and daughter-in-law of the petitioner and one Tejinder Kalra induced the complainant to part with ₹ 12 lakhs to send his son and daughter-in-law to Australia but neither they were sent to Australia nor their money was returned. The only allegation against the petitioner in the FIR is that when the complainant visited him, he did not do justice. It is not in dispute that pursuant to order Dated 09.03.2018, the petitioner has joined investigation.

Learned State counsel submits that recovery of ₹ 12 lakhs is to be effected and therefore, the interim bail granted to the petitioner be cancelled.

Submission of learned counsel for the petitioner is that after inquiry the police recommended registration of FIR only against the son and daughter-in-law of the petitioner and Tejinder Kalra. Moreover, there is

no allegation of conspiracy against the petitioner nor he is alleged to have received any money.

From the aforementioned facts, it is apparent that there is no allegation against the petitioner in the FIR. Neither he is alleged to have induced the complainant nor is it alleged that he conspired with his son and daughter-in-law. Even there is no allegation of receipt of money against the petitioner. Thus, his custodial interrogation is not necessary.

Accordingly, the petition is allowed and the interim bail order dated 09.03.2018, is made absolute subject to his compliance of conditions enshrined under Section 438(2) Cr.P.C.

July 13, 2018
Poonam (II)

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No