

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
102**

**CRM-M-8072-2018 &
CRM-10305-2018**

Date of decision:02.05.2018

Devender Taneja & another

...PETITIONERS

Vs.

State of Haryana

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.S.Rai, Sr. Advocate,
with Mr. Vikrant Rana, Advocate,
for the petitioners.

Mr. Apoorv Garg, Deputy Advocate General, Haryana,
for the State.

Mr. Amit Jain, Advocate,
for the complainant.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No. 1112 dated 08.12.2017 registered under Sections 420, 406, 120-B IPC at Police Station Sadar Gurugram, District Gurugram.

Learned senior counsel for the petitioners prays for withdrawal of the petition qua petitioner No. 1-Devender Taneja. He, however, presses the prayer for grant of anticipatory bail to petitioner No. 2-Smt. Shakuntala Taneja being of 78 years of age. He contends that since the property in question i.e. a flat was in the name of petitioner No. 2, she had signed all the

documents including those relatable to taking of loan and mortgage with Bajaj Finance Ltd. on the advise of petitioner No. 1, who is the son of petitioner No. 2. He submits that the custodial interrogation of petitioner No. 2 may not be required at this stage as the case is primarily dependent upon the documents, which are all in possession of the Investigating Agency. He further states that petitioner No. 2 was granted interim protection from arrest by this Court vide order dated 26.02.2018, which benefit may be extended to her. Petitioner No. 2 is ready and willing to join investigation and co-operate with the same.

Counsel for the State as well as the counsel for the complainant have submitted that petitioners were initially granted protection by the learned Additional Sessions Judge, Gurgaon but since they did not co-operate in the investigation and have been shifting stand time and again including petitioner No. 2, the learned Court below was pleased to dismiss the petition. The stand of petitioner No. 2 would remain the same now as well and, therefore, she should not be granted the concession of bail. Counsel for the State, on instructions from the Investigation Officer, accepts that petitioner No. 2 had joined investigation after passing of order dated 26.02.2018.

Having considered the submissions made by the counsel for the parties and keeping in view the fact that petitioner No. 2 is 78 years of age and there is nothing which would indicate that recovery is to be effected from her especially when the case is based on documents, the prayer, as made in the present petition qua petitioner No. 2, is accepted.

The present petition is, therefore, allowed. Petitioner No. 2 is granted bail, as provided under Section 438 Cr. P.C. subject to the

conditions as contained therein. She shall, however, continue joining investigation as and when required.

Petition qua petitioner No. 1-Devender Taneja stands dismissed as withdrawn, as prayed for by the learned senior counsel for the petitioners.

May 02, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No