

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-31351-2018 (O&M)

Date of Decision:-23.5.2019

Tarandeep Kaur

... Petitioner

Versus

State of Punjab

... Respondent

(II)

CRM-M-46631-2018 (O&M)

Makhan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Dr. Payal Mehta, Advocate for the petitioner(s).

Mr. Randhir Singh Thind, DAG, Punjab.

Mr. Mayur Karkra, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

This order shall dispose of aforesaid two petitions filed on behalf of petitioners Tarandeep Kaur and Makhan Singh seeking grant of anticipatory bail in respect of a case registered against them vide FIR No.157 dated 14.6.2018 at Police Station Kotwali, Patiala under Sections 380, 465, 468, 471 and 120-B of Indian Penal Code, 1860.

The FIR was lodged at the instance of Bhagwan Singh, wherein it has been alleged that Makhan Singh alongwith his wife Tarandeep Kaur, are residing as tenants in his house. It is alleged that one day he noticed that his Pass-Book, Cheque Book, PAN Card, Aadhar Card, Driving License, HMT Watch and cash amount of ₹20,000/- were missing. When the complainant went to his bank to make necessary inquiries, he found that several withdrawals during the months of July, 2017 and August, 2017 have been made from two banks for a total of ₹2,78,000/- and that the said amount had been withdrawn by Tarandeep Kaur, wife of Makhan Singh, who had furnished her Aadhar Card as identity proof at the time of withdrawal and had furnished her phone number.

The learned counsel for the petitioner has submitted that infact it is a case where the complainant completely trusted the accused and who in order to assist the complainant, who is aged about 63 years, had been withdrawing the amounts upon the instructions of the complainant, but subsequently on account of some dispute the present FIR was lodged falsely. The learned counsel for the petitioner has submitted that infact the complainant attempted to commit rape upon the petitioner Tarandeep Kaur, regarding which Tarandeep Kaur submitted a complaint (Annexure P-2) to the police and the complainant had been having an evil eye on Tarandeep Kaur. It has thus been submitted that the present FIR has been got lodged as a counter blast so as to pressurize Tarandeep Kaur and her husband not to take up the issue regarding the attempted rape by the complainant.

Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant has submitted that the complainant is

hale and hearty and could very well himself withdraw the amounts in question. It has further been informed that the cheques in question were infact found to be forged cheques wherein the signatures of the complainant were found to be forged. It has further been submitted that it is a case where the allegations of attempted rape as levelled by Tarandeep Kaur upon the complainant are an after-thought since the complainant had lodged his complaint prior in time before lodging of the complaint made by Tarandeep Kaur, regarding the alleged attempted rape.

I have considered rival submissions addressed before this Court.

Bearing in mind the fact that the amounts allegedly withdrawn cannot be said to be huge and also that it is a case which is mainly based upon the forgery of cheques, which are already in possession of the police, and also bearing in mind that the petitioners have already joined investigation, in my opinion, it is not a case requiring custodial interrogation. The petitions, as such, are accepted and the interim directions issued by this Court vide order dated 26.7.2018 and 22.10.2018 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petitions stand accepted accordingly.

23.5.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge