

**CRM-M-15408-2020 and
CRM-M-17657-2020**

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**201
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-15408-2020
Date of decision: 06.08.2020

**(I)
Pinki**

.....Petitioner

V/s.

State of Haryana

.....Respondent

CRM-M-17657-2020
Date of decision: 06.08.2020

**(II)
Rajesh**

.....Petitioner

V/s.

State of Haryana

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Naveen Kumar, Advocate, for the petitioner.

Mr. Deepak Bhardwaj, Deputy Advocate General, Haryana.

Sanjay Kumar, J.

Pinki and Rajesh, the petitioners in these two cases, along with Balbir Singh, Pinki's husband, are the accused in FIR No.407 dated 21.05.2020 on the file of Police Station Model Town, Panipat, registered under Sections 420, 406, 120-B and 506 IPC. By way of these petitions, the petitioners seek grant of anticipatory bail.

The case of the prosecution is that the petitioners, along with

Balbir Singh, the other accused, received Rs.32 Lakh from one Babu Ram on the pretext of securing employment for his son abroad. A sum of Rs. 10 Lakh was stated to have been given to Balbir Singh, who then handed it over to his wife, Pinki. Another sum of Rs. 10 Lakh was also stated to have been given to her. Ultimately, the son of the complainant was arrested by the American police. He was incarcerated for a period of over one year and was thereafter deported to India. It is on the strength of these allegations that the subject FIR came to be registered.

By order dated 17.06.2020 passed in CRM-M-15408-2020, Pinki, the petitioner therein, was directed to join investigation immediately. The Investigating Officer was asked to enquire into the compromise which was allegedly executed between the parties. This Court made it clear that after she joined investigation, if Pinki was sought to be arrested, she should be released on bail upon furnishing adequate bail and surety bonds to the satisfaction of the Arresting Officer. On 07.07.2020, a similar order was passed in CRM-M-17657-2020 in favour of Rajesh, the petitioner therein.

While so, Sandeep Singh, Deputy Superintendent of Police, Law and Order, Panipat, filed a reply on 18.07.2020 stating that Babu Ram, the complainant, and his son, Ajaydeep, appeared before the Investigating Officer on 16.07.2020 and the matter was enquired into. He stated that thereupon, Sections 370 and 384 IPC and Section 24 of the Immigration Act were also added. The petitioners were stated to have joined investigation on 17.07.2020 but they did not co-operate in the enquiry by taking undue advantage of the interim anticipatory relief granted by this Court.

Though Mr. Naveen Kumar Jaglan, learned counsel for the

petitioners, would contend that the matter has been compromised, it may be noted that the so-called compromise was allegedly effected on 29.05.2020 but the complainant and his son appeared before the Investigating Officer even on 16.07.2020 and spoke against the accused. This fact shrouds the so-called settlement between the parties with any amount of doubt. That apart, as rightly pointed out by the Sessions Court while dismissing the anticipatory bail application of Balbir Singh, the other accused, such a compromise may not have any consequence as the offence impacts the State and the society at large. Learned counsel would also contend that indulgence may be shown in CRM-M-15408-2020 on the ground that the petitioner therein is a woman. However, specific allegations are made to the effect that she received the money and played an active role in the commission of the offence.

That being so and as they failed to take advantage of the interim protection afforded to them and failed to co-operate with the police, neither of the petitioners would be entitled to further indulgence.

The petitions are accordingly dismissed.

Interim orders dated 17.06.2020 and 07.07.2020 shall stand vacated.

**(SANJAY KUMAR)
JUDGE**

06.08.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no