

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

CRM-M-23104-2020

Date of decision:10.12.2020

Harpreet Kaur and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sant Pal Singh Sidhu, Advocate for the petitioners.

Mr. Sandeep Singh Deol, DAG, Punjab.

Mr. Nakul Sharma, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek anticipatory bail in case FIR No.68 dated 18.07.2020, registered at Police Station Cantt. Ferozepur, District Ferozepur, under Sections 420 and 120-B IPC.

On 18.08.2020, this Court passed the following order:-

“Case is taken up for hearing through video conferencing.

Through this petition, the petitioners seek anticipatory bail in case FIR No.68 dated 18.07.2020, registered at Police Station Cantt. Ferozepur, District Ferozepur, under Sections 420 and 120-B IPC.

Learned counsel for the petitioners contends that the petitioners and other co-accused are closely related to complainant-Harwinder Singh, retired as a Police Inspector on 28.02.2015. The allegations against the petitioners and co-accused are that they have committed a fraud of Rs.23 lakh with the complainant as the amount was handed over by him to the petitioners and other co-accused during the period pertaining to years 2010-2015. There is allegation against petitioner No.1 that a cheque amounting to Rs.5,50,000/- was given to her in the year 2015. He further contends that it is a civil dispute and the complainant has already filed a suit for

recovery (Annexure P-2) against the petitioners and others. Rather, the cheque amounting to Rs.5,50,000/- was given to Pushpinder Singh, husband of petitioner No.1, who committed suicide on 11.03.2018. The learned counsel further submits that initially, three inquiries were conducted by the three different officers in the police department wherein the petitioners were declared innocent and it was only on the basis of the 4th inquiry, the FIR was registered.

Notice of motion.

On the asking of this Court, Mr. N.K.Banka, DAG, Punjab, accepts notice on behalf of the respondent-State.

At this stage, Mr. Nakul Sharma, Advocate, also appears on behalf of the complainant.

Learned State counsel assisted by the learned counsel for the complainant submits that the hard-earned money of the complainant has been usurped by the petitioners as well as other co-accused. The initial inquiries in question were conducted in a haste and without recording the statement of the complainant. The filing of civil suit will not absolve the accused of their guilt and thus, a prayer for dismissal of the petition has been made.

As per the facts on record, the alleged amount was handed over to the petitioners and other co-accused w.e.f. 2010 to 2015. However, the civil suit was filed by the complainant in the year 2018.

Adjourned to 10.12.2020.

Meanwhile, the petitioners are directed to join the investigation and if they are sought to be arrested, they shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.”

Learned counsel for the petitioners submits that pursuant to the order dated 18.08.2020 passed by this Court, the petitioners have joined the investigation.

Learned State counsel, on instructions from ASI Balwinder Singh, submits that the petitioners have joined the investigation and are not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 18.08.2020 passed by this Court granting interim bail to the petitioners, is made absolute,

subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

10.12.2020
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(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No