

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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[1] **CRM-M-28082 of 2019 (O&M)**
Date of decision : 16.01.2020
Asha Rani ... Petitioner
Versus
State of Punjab .. Respondent

[2] **CRM-M-28824 of 2019 (O&M)**
Surinder Kumar ... Petitioner
Versus
State of Punjab .. Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present : Mr.Rahul Bhargav, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Gurvinder Singh Gill, J. (Oral)

- 1 This order shall dispose off the aforesaid two petitions filed on behalf of Asha Rani and Surinder Kumar as both arise out of the same FIR.
2. Petitioners seek grant of anticipatory bail in case, FIR No.32, dated 04.06.2019 under Sections 406, 420 IPC, registered at Police Station Bilga, District Jalandhar.
- 3 The FIR in question was lodged at the instance of Prem Kumar wherein it has been alleged that a false FIR No.71 dated 07.10.2012 was lodged against him and he used to remain tense on account of registration of the said FIR. It is alleged that the petitioner Surinder Kumar met him and represented that he was having relations with senior police officers and judges and that in case the complainant pays an amount of Rs.12 lacs, he would get the FIR cancelled. It is alleged that the complainant, being taken in by the said representation, paid an amount of Rs.8 lacs in the

account of Dara Singh, and paid another amount of Rs.2 lacs in cash to Surinder Kumar. It is alleged that when the said amount of Rs.2 lacs was given to Surinder Kumar, his wife was also accompanying him, and that the said amount had been handed over to his wife namely, Asha Rani.

4. Learned counsel for the petitioner has submitted that he has been falsely implicated in the present case and that even if the allegations levelled in the FIR are taken to be correct, still the same would reveal that amount of Rs.8 lacs which is stated to have been transferred through bank. was transferred in the account of one Dara Singh and not paid to either of the two petitioners. It has further been submitted that FIR No.71 dated 07.10.2012 was lodged in the year 2012 which was challenged by way of a petition in this Court seeking its quashing but the same was also dismissed in the year 2013 but the present FIR came to be lodged in the year 2019 by which time, the complainant had also been convicted in respect of FIR No.71 dated 7.10.2012, in the year 2017.
- 5 Opposing the petition, learned State counsel has submitted that since specific and categoric allegations have been levelled in the FIR, no case for grant of anticipatory bail is made out. Learned State counsel has submitted that Dara Singh in whose account, the amount of Rs.8 lacs was transferred, was accompanying the present petitioners and in these circumstances, the complicity of the petitioners in the entire occurrence is very much evident. It is submitted that in any case, since the amount of Rs.2 lacs had been handed over to the petitioners in cash, their role in the entire incident is very much evident. It has however, been informed that pursuant to the interim directions, the petitioners have joined investigation.
6. During the course of argument, learned State counsel has also informed

that there are as many as 8 other cases against the petitioners.

7. Learned counsel for the petitioner has however informed that all the said cases pertain to offences in respect of having caused minor injuries which have in fact been lodged on account of political rivalry in the village as the petitioner Asha Rani is ex-Sarpanch of the village.
- 8 I have considered the rival submissions addressed before this Court. There is inordinate delay in lodging of the FIR inasmuch as while the amount in question is stated to have been given in the year 2012 the present FIR came to be lodged in the year 2019 which was in fact lodged even 2 years after the conviction of the complainant in FIR No.71 dated 07.10.2012. In any case, since substantial amount of Rs.8 lacs in question is stated to have been transferred in the account of one Dara Singh and also that the petitioners have joined the investigation, their custodial interrogation is not warranted in the present case.
9. In view of the aforesaid discussion, both the aforesaid petitions are accepted and the interim directions dated 05.07.2019 in CRM-M-28082 of 2019 and 10.07.2019 in CRM-M-28824 of 2019 issued by this Court 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.
10. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

[GURVINDER SINGH GILL]
JUDGE

16.01.2020
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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No