

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

203

**CRM-M No.32668 of 2020
Date of Decision:01.12.2020**

Gurmeet Kaur Sodhi and ors

.....Petitioners

Vs

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ashish Aggarwal, Sr. Advocate with
Ms.Ashna Aggarwal, Advocate
for the petitioners.

Mr.Amar Ashok Pathak, Addl.A.G.Punjab.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.327 dated 21.8.2020 under Sections 406, 420 and 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 registered at Police Station Zirakpur District SAS Nagar.

On 16.10.2020, while issuing notice of motion, following order was passed by this Court :-

“The case has been taken up for hearing through video-conferencing.

Learned Senior Counsel for the petitioners contends that the alleged payment of Rs.10,00,000/- is not followed by any cash receipt or

legal mode of transfer. The alleged payment is conspicuous in respect of date of payment. The complainant has not shown the source of acquiring the aforesaid amount. Petitioners were running a drug chemical facility in the name of M/s Kudos Chemie Limited and they do not know the complainant as they had never met him. They had no dealing with the complainant. As per the allegations, the complainant was allegedly introduced by one Chanan Singh in the alleged context of going abroad. Petitioners are not dealing with any such agency of sending people abroad.

Notice of motion for 01.12.2020.

In the meanwhile, petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 20.10.2020 at 11.00 a.m. and in the event of their arrest, they shall be enlarged on ad interim bail, on their furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However, petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from SI Ajit Singh, states that though the petitioners have joined the investigation, but they have not cooperated with the Investigating Officer in facilitating the recovery of amount.

Learned State counsel has admitted that there is no other case against the petitioners nor any statement of any other victim has been recorded in the context of duping him for

sending abroad.

Learned counsel for the petitioners submitted that the alleged payment of Rs.10,00,000/- has prima facie not been proved by way of any cash receipt and legal mode of transfer of the same in the account of the petitioners. Even the date of alleged payment has not come forth on record. The source of the aforesaid amount available with the complainant would also remain debatable. Petitioners are running a drug factory in the name of M/s Kudos Chemie Limited and they do not know the complainant in any manner nor had any dealing with the complainant in the past.

At this stage, without meaning anything on the merits of the case, interim order dated 16.10.2020 is made absolute. However, the petitioners shall keep on joining the investigation as and when required to do so and they shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of accordingly.

December 01, 2020

anita

**(RAJ MOHAN SINGH)
JUDGE**

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