

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: 06.02.2020

1. CRM-M-40111-2019

Rekha

.. Petitioner

Vs.

State of Haryana and another

..Respondents

2. CRM-M-40973-2019

Gopal

.. Petitioner

Vs.

State of Haryana and another

..Respondents

3. CRM-M-42611-2019

Aanchal

.. Petitioner

Vs.

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. K.S. Virk, Advocate for the petitioner(s).

Ms. Tanushree Gupta, DAG, Haryana.

...

Manoj Bajaj, J.

This order will decide the above three petitions filed separately by the petitioners for grant of anticipatory bail in case FIR No.768 dated 22.10.2018, under Sections 406/420 IPC (Sections 467/468/471/120-B IPC added subsequently), registered at Police Station Gharaunda, District Karnal. The petitioners apprehended their arrest at the hands of police in the above FIR.

The FIR in the present case was registered on the basis of complaint made by Karan Singh and allegations as noticed in the order dated 11.09.2019 by ASJ Karnal read as under:

“Brief facts of the prosecution case are that present case was registered on the complaint of complainant Karan Singh son of Suraj Mal, resident of village Bassi Akbarpur, Police Station Gharaunda. It is mentioned that O.P. Singh has made a

telephonic call to the complainant and asked him as to whether the complainant has taken MAX life insurance policy and he has also told to the complainant about deposition (wrongly typed instead of depositing) of four installments of Rs.19,723/- and total amount of Rs.79,000/- has been deposited and an amount of Rs.58,223/- is credited in his account and an amount of Rs. 19,000/- has been deducted as commission. He has also received telephonic call from others about the deposition (wrongly typed instead of depositing) of the amount. He has also received a telephonic call from the mobile phone of Bharat Bhushan, Anuradha Sharma and Ritu Sharma and then he has deposited an amount of Rs.1,93,000/- on 23.07.2018 in Punjab National Bank Branch Chaura. Then he again received telephonic calls. The complainant has stated that fraud has been committed with him and requested that legal action may kindly be taken against the culprits after constituting the team and the amount may kindly be got recovered from the thugs. On this complaint, a formal FIR bearing No. 768 dated 22.10.2018 under Sections 420 and 406 IPC was registered with Police Station Gharaunda and the Investigating Agency swung into action.”

Learned counsel for the petitioner(s) contends that on 19.09.2019, while issuing notice of motion to respondent-State, the interim protection was extended to petitioner-Rekha. The said order reads as under:-

“Learned counsel for the petitioner contends that complainant responded on telephonic inducement for depositing the amount in respect of monthly pension in July, 2018 and in all more than ₹5,00,000/- were deposited by him. Learned counsel contends that petitioner is being indicted on the basis of disclosure suffered by Sumit Guglani and Ashish Sharma whereas no amount has been received by her pursuant to the alleged inducement.

Notice of motion for 06.02.2020.

Meanwhile, the petitioner shall join the investigation and

would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner(s) submits that the interim order passed in respect of petitioner Rekha was relied upon by the other accused, namely, Gopal and Aanchal. Those orders were passed on 23.09.2019 and 03.10.2019 respectively. Learned counsel for the petitioners contends that in deference to the said interim orders, the petitioners submitted themselves before the Police and joined the investigation. According to him, the petitioners cooperated with the Police Authorities during the investigation.

Learned State counsel assisted by ASI Manoj Kumar, has opposed the prayer on the ground that the offence is serious in nature and the petitioners though have joined the investigation, but have not cooperated with the Police Authorities during the investigation. She has contended that petitioner Rekha had sought time to answer certain queries put by the Investigating Officer, thereafter she has never turned up to join the investigation. She submits that in this case, five persons, namely, Parkash Chand Bunkar, Manoj Kumar, Sumit Kumar, Ashish Sharma and Vijay have been arrested so far on 03.08.2019, 06.08.2019, 08.08.2019 and 30.10.2019 respectively, and according to the said accused, they were acting on the instructions of these three present petitioners. She submits that in the given facts, the custodial interrogation of the petitioners is necessary.

After hearing the learned counsel for the petitioner(s), this

of anticipatory bail. It may be noticed here that co-accused Ashish is brother of petitioners Aanchal and Gopal, who was arrested and later on granted bail by the Addl. Sessions Judge, Karnal. As per the prosecution, all these accused in connivance with the others duped various persons of their hard earned money by making telephonic calls to them and inducing the victims to deposit the amount on their instructions. Petitioner Rekha is wife of co-accused Aanchal. As the petitioner(s) are enjoying the protection against arrest by way of interim order(s) passed by this Court and have not cooperated with the investigation by evading the questioning by investigating officer, therefore, in these compelling circumstances, their custodial interrogation becomes necessary to unravel the truth and to find out as to how deep this rot runs.

Resultantly, no ground is made out for extending the concession of anticipatory bail to the petitioners.

The petitions are dismissed.

06.02.2020
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No