

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

206

**CRM-M-49921-2019
Date of decision: 28.01.2020**

Shikha Arora and anotherPetitioners

Versus

State of PunjabRespondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Munish Puri, Advocate for the petitioners.

Mr. Arun Kaundal, DAG, Punjab for the respondent.

Mr. Vivek Aggarwal, Advocate for the complainant.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.79 dated 08.10.2019 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Qadian, District Batala

While issuing notice of motion on 25.11.2019, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

Learned counsel appearing on behalf of the complainant has also opposed the bail application.

I have heard learned counsel for the petitioner as well as learned State counsel and learned counsel for the complainant and have gone through the record.

Learned counsel for the petitioner has submitted that petitioner No.1 is the wife and petitioner No.2 is brother-in-law of co-accused Parmeet Singh Arora @ Harpreet Singh @ Harry Arora who has also duped them on the pretext of sending them abroad and cheated them by dishonestly inducing them to deliver an amount of Rs.5 lakhs. The petitioners have come to know that the said co-accused has also committed fraud with various persons. No amount was paid to the petitioners by the complainant in the present case. In compliance with order dated 25.11.2019 passed by this Court, the petitioners have joined the investigation and their custodial interrogation is not required in the present case.

On the other hand, learned State counsel has submitted that the petitioners along with their co-accused have cheated the complainant and the petitioners do not deserve grant of anticipatory bail. However, learned State counsel, on instructions from ASI Manjeet Singh, has acknowledged that in compliance with order dated 25.11.2019 passed by this Court, the petitioners have joined the investigation and submitted that their custodial interrogation is not required for effecting any recovery.

Learned counsel for the complainant has submitted that petitioner No.2 has wrongly denied that the complainant was not known to him and it was on representation of petitioner No.2 that the complainant made the payments and the complainant has been cheated by the petitioners and their co-accused.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioners, role attributed to co-

accused Parmeet Singh Arora @ Harpreet Singh @ Harry Arora and the fact that custodial interrogation of the petitioners is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioners deserve the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 25.11.2019 granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to them.

28.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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