

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

CRM-M-3643-2021
Date of Decision : 27.01.2021

Naval Kishore

....Petitioner

Versus

State of Punjab and another

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Gursimran Singh Madaan, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (Oral)

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.319 dated 05.12.2020 under Sections 420 and 120-B of IPC registered at Police Station Shahkot, Jalandhar.

Learned counsel for the petitioner submits that as per allegations in the FIR, registered at the instance of complainant-Balwinder Singh, the marriage of the petitioner's daughter, namely Partiksha, was performed with the complainant on 13.07.2019, and at that time the age of the daughter of the petitioner was 19 years and the complainant was 25 years of age. The daughter of the petitioner, being eligible to procure study visa, wanted to go to Canada in the month of August 2019, i.e. one month after the marriage, and on that account, she has taken some amount from the complainant which was transferred in the bank account of the petitioner, that is an amount of Rs.7,50,000/- and Rs.6,77,625/-.

Learned counsel for the petitioner further submits that now the FIR has been registered with the allegation that the daughter of the petitioner, after going to Canada, has refused to provide visa for her husband/complainant.

Learned counsel for the petitioner further submits that in fact it is a case of loan, which can be recovered by availing a civil remedy.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab and Mr. Nikhil K. Vashisth, who are also appearing through video conferencing, accept notice on behalf of the respondent-State and complainant.

Learned State counsel, assisted by learned counsel for the complainant, submits that the petitioner has filed a suit for injunction praying for issuance of a decree that the complainant and his other family members should not harass him and the said amount stands deposited in the account of the petitioner.

It is also stated that an inquiry was conducted by SSP, Jalandhar (Rural), in which it is stated that amount was paid to the petitioner.

After hearing learned counsel for the parties, considering the fact that even if it is taken to be correct that aforesaid amount of Rs.7,50,000/- and Rs.6,77,625/- were transferred in the bank account of the petitioner by the complainant on account of sending his wife (daughter of the petitioner) to Canada on study visa, it cannot be said that the complainant is cheated by the petitioner or his wife. At the most, it is a case of extending loan and the complainant has a civil remedy for this.

Accordingly, without commenting on the merits of the case and considering the aforesaid facts, the present petition is allowed and the petitioner

is granted concession of anticipatory bail, subject to the condition envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if required, by issuing a written notice in this regard.

27.01.2021

Waseem/Chetan

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No