

CRM-M No.3863 of 2021
CRM-M No.5402 of 2021
CRM-M No.17727 of 2021

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

**CRM-M No.3863 of 2021
Date of Decision: .08.07.2021**

Shaweta Gupta		Petitioner
	Vs	
State of Haryana		Respondent

CRM-M No.5402 of 2021

Ravi Kumar @ Ravi Gupta		Petitioner
	Vs	
State of Haryana		Respondent

CRM-M No.17727 of 2021

Adarsh Bansal		Petitioner
	Vs	
State of Haryana		Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Nitin Jain, Advocate
for the petitioner (s) in CRM-M-3863 of 2021 &
CRM-M-5402 of 2021.

Mr. Sandeep Verma, Advocate
for petitioner in CRM-M-17727-2021.

Mr. Rajat Gautam, DAG., Haryana.

Mr. Kushagra Beniwal, Advocate for
Mr. Tanvir Singh Grewal, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

These cases have been taken up for hearing through

video conferencing.

Vide this common order, CRM-M-3863, 5402 and 17727 of 2021 are being decided. Since all the cases have arisen out of same FIR, therefore facts are being culled out from CRM-M-3863-2021.

The petitioner(s) in all the three petitions seek grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.0369 dated 07.12.2020 registered under Sections 406, 420, 506, 34 IPC at Police Station Batana, District Karnal.

As per prosecution case, some amount was paid to shaweta Gupta in cash. The complainant allegedly paid the amount on different dates to the accused through bank draft or in cash. Some of the amount was transferred in the bank account of Kusum Gupta and some amount was transferred through bank draft in the account of Aviral Gupta. Remaining amount was allegedly paid in cash to Shaweta Gupta. Adarsh Gupta used to write his name as Adarsh Bansal. Adarsh Bansal is brother of deceased Aviral Gupta and has been living separately from his mother Kusum Gupta and brother Aviral Gupta for the last more than eight years. He was not having cordial relations with his family due to execution of Will and Power of Attorney by his mother in favour of Aviral Gupta on 24.08.2015 and transfer of house in favour of Aviral Gupta on

24.08.2015. Aviral Gupta started misbehaving with his mother and she got the GPA cancelled on 15.3.2018 but she was thrown out of the house resulting in cancellation of the transfer deed on 28.08.2015.

On 22.11.2018 cancellation was allowed and thereafter Aviral Gupta and Shaweta Gupta filed CWP No. 5681 of 2019 titled Aviral Gupta and another Vs. State of Haryana and others in the High Court and the same is pending alongwith interim order of stay of operation of the order dated 09.01.2019. The alleged role of Adarsh Bansal is that he handed over the money to his brother and mother but the same has not been fortified on the basis of material on record. Ravi Gupta is father-in-law of Aviral Gupta who has expired. No amount was paid to Ravi Gupta.

In CRM-M-17727-2021 Adarsh Bansal was directed to join investigation on 07.04.2021, similarly in CRM-M-5402-2021 Ravi Kumar @ Ravi Gupta was directed to join investigation and in CRM-M-3863-2021, Shaweta Gupta was directed to join the investigation.

Learned counsel for the petitioner (s) submitted that in compliance of the aforesaid order, the petitioner (s) have joined the investigation to the entire satisfaction of the Investigating Officer.

Learned State counsel has admitted the aforesaid fact. Learned State counsel assisted by learned counsel for the complainant has opposed the grant of bail on the ground that though, in all the three petitions, petitioner (s) have joined the investigation, but they have not co-operated with the Investigating officer and did not facilitate the recovery.

Having heard learned counsel for the parties, I am of the view that in the facts and circumstances of the case, the recovery of the amount would be subject to the nature of evidence to be led by the parties before the trial court at the relevant stage.

In view of aforesaid factual position, the interim order (s) dated 07.04.2021 in all the three petitions is made absolute. However, petitioner(s) 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.

Petitions stand disposed of.

(RAJ MOHAN SINGH)
JUDGE

July 08, 2021
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No