

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-6355-2020 (O&M)
Date of Decision: 22.11.2021

(I)
Alka

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CRM-M-9083-2020 (O&M)

(II)

Dev Anoop

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Dr. Surya Parkash, Advocate, for the petitioner (s).

Mr. Arun Kaundal, Deputy Advocate General, Punjab.

Mr. Vinod K. Kataria, Advocate, for the complainant.

JASGURPREET SINGH PURI, J. (Oral)

Both the cases are taken up together since they arise from the same FIR.

Dr. Surya Parkash, learned counsel for the petitioners has submitted that in pursuance of the orders passed by this Court on 13.02.2020 in CRM-M-6355-2020 and orders dated 02.03.2020 passed in CRM-M-9083-2020 both the petitioners have joined the investigation and

they are fully cooperating with the investigation process. He further submitted that the subject matter of the present FIR pertains to non-deposit of rent by the petitioners and the allegations are regarding cheating and misappropriation of money. He submitted that in fact an amount of Rs.22 lakhs was earlier deposited in the account of the Mandir and thereafter, Rs. 6 lakhs was also deposited in the account of the Mandir and the dispute, if at all is of a civil nature and has been given a criminal flavour by the police. He submitted be that as it may so far as the present anticipatory bail applications are concerned, the petitioners have already cooperated with the investigation process and, therefore, interim orders may be made absolute.

Mr. Arun Kaundal, learned Deputy Advocate General, Punjab on instructions from ASI Chamkaur Singh has submitted that in pursuance of the orders passed by this Court on 13.02.2020 in CRM-M-6355-2020 and orders dated 02.03.2020 passed in CRM-M-9083-2020 both the petitioners have already joined the investigation and they have fully cooperated with the investigation process and they are not required for custodial interrogation.

Mr. Vinod K. Kataria, learned counsel for the complainant has submitted that the petitioners have committed a breach of faith and misappropriated the rent which they had taken from various tenants and an amount of Rs. 9 lakhs is also outstanding from the petitioners and, therefore, they may be directed to deposit further an amount of Rs. 9 lakhs in the account of the Dev Samaj Mandir. He submitted that the bail petitions of the petitioners can be considered only when they deposit an amount of Rs. 9 lakhs.

I have heard the learned counsel for the parties.

The stand of the State in the present case is that the petitioners in pursuance of the orders passed by this Court on 13.02.2020 in CRM-M-6355-2020 and orders dated 02.03.2020 passed in CRM-M-9083-2020, both the petitioners have already joined the investigation and they have fully cooperated with the investigation process and they are not required for custodial interrogation.

The arguments raised by the learned counsel for the complainant that the prayer for anticipatory bail can be considered only when the petitioners further deposit an amount of Rs. 9 lakhs in the account of the Dev Samaj Mandir. The present petition is for grant of anticipatory bail and whenever there is a financial dispute such kind of condition for deposit of an amount cannot become a ground for denial of bail. It was specific stand of the State that the petitioners are not required for custodial interrogation because they have already cooperated with the investigation process and, therefore, both the petitions are allowed and the order dated 13.02.2020 passed in CRM-M-6355-2020 and order dated 02.03.2020 passed in CRM-M-9083-2020 are hereby made absolute.

22.11.2021

rakesh

Whether speaking
Whether reportable

(JASGURPREET SINGH PURI)

JUDGE

: Yes/No
: Yes/No