IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(Heard through VC)

CRM-M- 31159 of 2021 (O&M)
Date of Decision: 5.8.2021

Pardeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Akashdeep Singh, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

Mr. Chanderhas Yadav, Advocate,
for the complainant.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No. 177 dated 29.6.2021 registered under Sections 498-A, 406, 377, 420, 323/34 IPC (Sections 464, 467, 471, 477-A and 120-B IPC added later on) at Police Station Arya Nagar, Rohtak, District Rohtak.

Learned counsel for the petitioner herein, *inter-alia,* would contend that the petitioner is working as a Manager in the SBI Bank and he was engaged with the complaint in July, 2019 and thereafter a marriage was solemnized between them on 26.2.2020. They lived together approximately for 10 months and thereafter they are residing separately. It is submitted that the petitioner filed a petition under Section 13 of the Hindu Marriage Act for grant of divorce on 1.3.2021. However, the same was withdrawn on 19.7.2021 with a liberty to file another one giving better particulars.

Thereafter, another petition has been filed on 22.7.2021. However, during the interregnum period, the present FIR came to be registered on 29.6.2021. Learned counsel would contend that the allegations as set out in the FIR have been levelled at the behest of the father of the complainant, who is a retired District Attorney and has totally converted a case of temperamental differences between the husband and wife into a case regarding demand of dowry and other allegations. Learned counsel would contend that as on date, no financial loss has been caused to the complainant in any manner whatsoever and the allegations regarding transfer of funds from her account or the account of her father are absolutely wrong and in fact the same have been made with prior consent of the complainant herein. It is argued that each and every transaction can be explained, apart from the fact that the petitioner herein is ready to return all the dowry articles. It is argued that the gold loan account was opened in September 2020 and was closed immediately within a period of two months in November, 2020. Further, it is submitted that the petitioner is ready to join and cooperate with the investigation.

Appearance has been caused on behalf of the complainant as well as the State. They have drawn the attention of this court to the fact that the petitioner herein has committed fraud and forgery with his own wife by forging her signatures for opening a joint account at Sirsa before the marriage without her knowledge and consent. It is, *inter-alia,* argued that the petitioner herein is a bank manager with the State Bank of India and, therefore, misused his position to illegally open an account in the name of the complainant by forging her signatures and even withdrew the money in cash beyond permissible limit of ₹50,000/-. It is also argued that the petitioner had also opened a gold loan account in the name of the complainant without her knowledge and transferred an amount of ₹1 lakh through NEFT to the account of his father on the same day. Apart from that, it is submitted that the petitioner had also committed a fraud with the complainant by utilizing her PAN Card and Aadhar Card to the extent that he looked into the bank account of the father of the complainant by utilizing his ID.

I have heard learned counsel for the petitioner as well as the counsel for the respondent—State and the complainant and find that there are serious allegations that have been raised against the petitioner in the FIR pertaining not only to the alleged offence under Section 498-A and 406 etc. IPC but also regarding the petitioner having made an attempt to log in into the account of the father of the complainant by forging the signatures of the complainant. All the allegations of forging of signatures, opening a bank account in the name of the complainant and also opening a gold loan account and availing loan therefrom are serious in nature and therefore, custodial interrogation of the petitioner is required to unearth the truthfulness. Under the circumstances, this court is not inclined to grant anticipatory bail to the petitioner.

In view of the above, the instant petition is hereby dismissed. However, it is made clear that any observations made herein above have been made only for the purpose of disposal of this petition, which shall have no bearing on the merit of the case.

5.8.2021 **(JAISHREE THAKUR)**
prem **JUDGE**

Whether speaking/reasoned : Yes
Whether Reportable : No