

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-37580-2020 (O&M)

Date of Decision:- 12.10.2021

Anu	Versus	 Petitioner
State of Punjab and another		... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Krishan Kanha, Advocate for
Mr. Narinder Lucky, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Amrit Pal Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against her vide FIR No. 140, dated 7.9.2020, Police Station Civil Lines, Bathinda, under Section 420 IPC.
2. The FIR was lodged at the instance of Usha Rani wherein it is alleged that her husband Vikas Goyal died in an accident on 19.5.2018 wherein the complainant was also seriously injured. The complainant has alleged that shortly after death of her son Vikas Goyal, the complainant's daughter-in-law withdrew huge amount from the bank account of Vikas Goyal by effecting transactions through online banking. It is alleged that an amount to the tune of Rs.32 lakhs was withdrawn within a short period w.e.f. 28.5.2018 upto 31.5.2018.

3. Learned counsel for the petitioner has submitted that the FIR in question has been lodged simply in order to extract money from the petitioner as the petitioner also received some compensation from the Court on account of death of her husband in a vehicular accident whereas the complainant had received a miniscule amount towards compensation.
4. Learned counsel for the petitioner has further submitted that the very fact that the petitioner was able to operate the bank account of her husband would show that her husband completely trusted her and had shared his password with the petitioner. It has further been submitted that in fact a part of the amount withdrawn from the bank account was used towards performance of last rites of her husband and in fact an amount of Rs.2 lakhs had also been transferred to the bank account of brother of her husband on 31.5.2018. It has further been argued that all the transactions had been made on the asking of the members of the family of her husband.
5. Opposing the petition, learned State counsel has submitted that since after death of petitioner's husband she had no right or authority to operate his account, the very fact that huge amount has been withdrawn from her husband's account after about 10 days of her death would clearly show her complicity and that no case for grant of bail is made out. Learned State counsel has however, not disputed the fact that from amongst the transactions made in the bank account, an amount of Rs.2 lakhs has been transferred to the account of brother of husband of the petitioner.

6. I have considered rival submissions addressed before this Court.
7. It is no doubt correct that shortly after death of husband of petitioner huge amount had been withdrawn from the husband's account by the petitioner. However, from the fact that these withdrawals were made shortly after her husband's death, it can safely be accepted that some of the amount must have been used for performance of the last rites. Still further an amount of Rs.2 lakhs has also been transferred in the account of brother of petitioner's husband. In any case, this Court cannot lose sight of the fact that the petitioner being a wife would otherwise have a right on the property of her husband.
8. The petitioner, in any case is stated to have joined investigation. In these circumstances, this Court is of the opinion that it is a fit case for grant of anticipatory bail particularly keeping in view the fact that the petitioner is none else but wife of the deceased whose account she has operated and is a lady. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 16.11.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

12.10.2021

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No