

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

**CRM-M No. 46460 of 2021 (O&M)
Date of Decision: 03.11.2021**

Rajan Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner.

Mr. Bhupender Beniwal, Assistant Advocate General, Punjab

Mr. Vikramjeet Singh, Advocate
for the complainant.

SURESHWAR THAKUR, J. (ORAL)

On the oral request of the learned counsel for the complainant, and, on no objection by the counsel opposite, one Rajvir Singh son of Randhir Singh, R/o Gadhram Khurd, P.O. Bhaku Majra, Tehsil Sri Chamkaur Sahib, District Rupnagar, is ordered to be arrayed / impleaded as party respondent No. 2.

Registry to do the needful accordingly.

An FIR No. 108 of 28.09.2021, constituting therein offences, under Sections 406 & 420 of IPC, is registered against the present bail applicant - petitioner, at Police Station Chamkaur Sahib, District Rupnagar.

The newly arrayed co-respondent No. 2 (supra) is averred in the FIR (supra) to marshal financial resources to the tune of ₹ 35 Lakhs, to enable his spouse one Manpreet Kaur to take education in Canada. The said

proceeded to Canada. However, as assured by her, and, by the bail applicant-petitioner, the afore sum of ₹ 35 Lakhs, as lent, for the afore purpose, has remained unreturned to co-respondent No. 2. Therefore, co-respondent No. 2 became aggrieved, and, instituted the FIR (supra).

After hearing the learned counsel appearing for the contesting litigants, the trite fact which emerges, is that Manpreet Kaur and co-respondent No. 2 are legally wedded spouses, and, the afore marshalled money, became lent by him, to his spouse one Manpreet Kaur. Prima facie at this stage, the act (supra), cannot be construed to be either constituting entrustment thereof to the Manpreet Kaur or to her father, the bail petitioner, nor prima facie, hence, at this stage, it can be said that any offence under Section 420 IPC, is made out against the bail applicant – petitioner or accused Manpreet Kaur.

Since, it is also brought to the notice of the Court, that Manpreet Kaur and co-respondent No. 2 are still maintaining relations, as husband and wife, and obviously for not disrupting their martial ties, it is not deemed fit to order, for the custodial interrogation of the bail applicant, as thereupon the foundation of the marital ties, *inter se*, one Manpreet Kaur and co-respondent No. 2, are likely to be shaken.

Therefore, at this stage, it is not deemed fit to order, for custodial interrogation of the bail applicant - accused, rather it is deemed fit to order, that in case the bail applicant is arrested, he shall be released by the Investigation Officer, on his furnishing personal and surety bonds in the sum of ₹ 50,000/- each, before him, and, also subject to his not tampering with prosecution evidence, and/or not influencing prosecution witnesses,

