

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

202

**Date of decision: 21.07.2022  
CRM-M-7660-2022**

**VINOD KUMAR GADI** .....Petitioner

VERSUS

**STATE OF PUNJAB** .....Respondent

2) **CRM-M-7873-2022**

**ALKA GADI** .....Petitioner

VERSUS

**STATE OF PUNJAB** .....Respondent

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

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Present:- Mrs. Shashi Ghuman, Advocate  
for the petitioner(s).

Ms. Amarjit Kaur Khurana, DAG, Punjab.

Mr. Rahul Deswal, Advocate  
for the complainant.

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**VINOD S. BHARDWAJ, J. (Oral)**

This order shall dispose of two petitions bearing CRM-M-7660-2022 titled as “*Vinod Kumar Gadi versus State of Punjab*” and CRM-M-7873-2022 titled as “*Alka Gadi versus State of Punjab*”.

Instant petitions have been filed by the petitioners Vinod Kumar Gadi and Alka Gadi (husband and wife) for seeking the

concession of pre-arrest bail in case bearing FIR No. 0027 dated 13.01.2022 registered under Sections 406, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code at Police Station Zirakpur, District SAS Nagar.

2. The case had come up for hearing on 11.03.2022 when the following order was passed :

*Learned counsel for the petitioners contends that the petitioner-Vinod Kumar Gadi is more than 70 years of age while petitioner-Alka Gadi is nearly 60 years of age. It is inter alia argued by the learned counsel that Arjun Gadi (son of the petitioners), who has been ousted and disowned by the petitioners by a public declaration had certain business transactions and affiliations with the complainant. In support thereof, he makes a reference to the publication made in the newspaper, which is appended as Annexure P-5, on 27.07.2021 to the effect that Arjun Gadi is an outlaw and not within the control of the petitioners. The aforesaid son of the petitioners got certain transaction conducted through a joint account with Vinod Kumar Gadi operated by Arjun Gadi alone. It is also submitted by the counsel that even though Arjun Gadi their son, had been ousted from family property, he was however residing in first floor of the house owned by the petitioners. His indulgence in unlawful activities thus compelled the petitioners to disclaim him.*

*Reference is also made to the statement of account in relation to transactions that had allegedly taken place and to contend that as per a summary thereof only an amount of Rs.16,92,361.84/- has been received from the account of the complainant during the entire period and in small denomination and that there is a return of the amount as well to the tune of Rs.4,05,637/- from the said*

*account.*

*There is nothing on record collected by the Investigating agency to show that the petitioner Vinod Kumar Gadi had ever operated from the said account or carried any transactions in the same. The mere fact that one of the petitioner was a joint account holder does not make them culpable for the acts of crime committed by the other. There is nothing to show that the petitioner have gained or drawn any benefit of withdrawal of the money.*

*It is also submitted that the petitioner Alka Gadi is a housewife and the said fact was fully known to the complainant, there was thus no occasion for the petitioner Alka Gadi to be making any misrepresentation or assurance to the complainant. The fact has also been acknowledged by the learned counsel for the complainant that she was a housewife.*

*It is further argued that there was thus no occasion for petitioners to have made any representation to the complainant to secure any tender or contract. There is nothing to even remotely suggest that alleged forged e-mails have been sent from any digital platform or device linked to the petitioners. It would be naïve to import that the petitioners who are in their seventies and sixties would be tech-savvy to an extent of such a nature.*

*Learned counsel further submits that the petitioners had no concern with the inter se affairs of Arjun Gadi and the complainant. Arjun Gadi is already in custody since 21.01.2022 yet no link of petitioners in offence is established.*

*However, in order to show their bona fide the petitioners are willing to deposit whatever is differential amount that remains unpaid after adjustment of the transactions made in the said joint-account. The same is not in the nature of an acknowledgement of the allegations*

*levelled by them, however, the same is intended for their own peace. The petitioners have been implicated with a deliberate intent after realizing that the amounts in question may or may not be recovered from Arjun Gadi.*

*Mr. Karanbir Singh, learned Assistant AG Punjab submits that the allegations have been levelled against the petitioner-Alka Gadi to the effect that it was on her assurance and initiative that the complainant forwarded the amount to the joint-account and also paid in cash in favour of Arjun Gadi as well as to Alka Gadi. He further submits that the cheque in question with forged signatures was issued against the account of the petitioners and further that it is to be ascertained how the e-mails pertaining to the alleged purchase orders/invoices have been generated. Accordingly, the custodial interrogation of the petitioners would be necessary to ascertain the generation of e-mails as also for effecting the recovery of money.*

*Sh. Rahul Deswal, Advocate appears on behalf of the complainant and vehemently opposes the prayer made by the learned counsel for the petitioners. It is argued by him that the plea of the petitioners is an attempt to commit fraud against the complainant.*

*Even though, the petitioners claim to disown Arjun Gadi, however, he was arrested from the house owned by the petitioners. It is further submitted that not only had the amounts been deposited in the joint-account, there were also certain advances/money transactions in the individual account of Alka Gadi to the tune of Rs.3 lakhs. Learned counsel further submits that the complainant had fallen in the trap only on account of the initiative and assurance extended by Alka Gadi and by believing her. He has further alleged that an amount of Rs.95 lakhs is owed to him by Arjun Gadi and that the same is yet to be*

*recovered.*

*I have heard learned counsel for the parties.*

*From a consideration of rival submissions, it prima facie emerges that the complainant and Arjun Gadi were in commercial transactions with each other. The advances, if any, are apparently a result of mutual understanding amongst them. The transactions are substantiated by documentary evidence. Besides, Arjun Gadi has already been arrested and is in judicial custody. The investigating agency has not been able to point out any prima facie evidence to suggest that the generation of the forged e-mails was at the behest of the petitioners, who are senior citizens. They have also not been able to indicate any evidence at this stage to show a prima facie link of the petitioners with the same. In any case, the evidence to be collected is in the form of documents, that are already in the custody of the police. Further, even though, the complainant claims that an amount of Rs.95 lakhs is owed to him, however, the transactions available on record do not suggest the transaction to be of such a high denomination. Learned counsel for the petitioners has undertaken to make good the deposit in order to show their bona fides. He undertakes to deposit a sum of Rs.15 lakhs with the Registry of this Court within a period of 30 days.”*

3. Pursuant to the said order passed by the Court, the petitioners deposited an amount of Rs. 15 lakhs with the Registry of this Court. Co-accused Arjun Gadi had already been arrested and had filed a petition bearing CRM-M- 21393 of 2022 seeking concession of regular bail. It has been urged by the counsel appearing on behalf of the petitioners that during the pendency of the present proceedings, the

matter has already been resolved amicably between the parties and the compromise has been effected for a sum of Rs.77.50 lacs which the petitioners have agreed to pay to the complainant. The concession of regular bail was extended to co-accused vide order dated 07.07.2022 and the following order was passed:

*“It is further pointed out that an amount of Rs.56,00,000/- out of the abovesaid agreed amount already stands paid. The details of the same are tabulated herein below:*

| Sr. No. | Date       | Amount                                                                            |
|---------|------------|-----------------------------------------------------------------------------------|
| 1       | 30.05.2022 | Rs.1,00,000/-                                                                     |
| 2       | 02.06.2022 | Rs.5,00,000/- (paid before the Hon'ble High Court in CRM-M-21393-2022 through DD) |
| 3       | 10.06.2022 | Rs.10,00,000/-                                                                    |
| 4       | 27.06.2022 | Rs.5,00,000/-                                                                     |
| 5       | 27.06.2022 | Rs.20,00,000/-                                                                    |
| 6       | 04.07.2022 | Rs.15,00,000/-                                                                    |
|         | Total      | Rs.56,00,000/-                                                                    |

*He further contends that a sum of Rs.15,00,000/- has also been deposited with the Registry of this Court in terms of order dated 11.03.2022 passed in CRMs-M-7660 and 7873 of 2022. In this manner, a total sum of Rs.71,00,000/- stands remitted. The petitioner would not have any objection to the aforesaid amount being released in favour of the respondent- complainant. The remaining amount of Rs.6,50,000/- shall be handed over to the respondent-complainant before the trial Court since the petition for quashing the FIR in question bearing No.CRM-M-28206 of 2022 titled as 'Vinod Kumar Gadi and others Vs. State of Punjab and another' has already*

*been filed wherein the parties have been directed to get their statements recorded before the Illaqa Magistrate.”*

4. Since the matter has already been amicably resolved between the parties and the petitioners have specifically made a statement that they have no objection to the release of the amount of Rs. 15 lacs deposited vide receipt No. 3163 dated 24.03.2022 with this Court in favour of the complainant and the matter having been compromised between the parties, the order dated 11.03.2022 is made absolute. The amount of Rs. 15 lacs referred to above deposited with the Registry of this Court is directed to be released in favour of the complainant.

However, the petitioners shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438 (2) Cr.P.C.

**(VINOD S. BHARDWAJ)**  
**JUDGE**

**JULY 21, 2022**  
*Vishal sharma*

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |