

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201

CRM-M-13308-2021

Date of Decision :09.02.2022

Rajpal

...Petitioner

Versus

State of Haryana

...Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepak Achint, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

Mr. Rohit Mittal, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.214 dated 09.08.2019 registered under Sections 406 and 420 of the IPC at Police Station Ateli, District Mohindergarh.

Learned counsel for the petitioner submits that the allegations alleged against the petitioner by the complainant, who is a sister-in-law of the petitioner, are totally false and frivolous. Learned counsel for the petitioner further submits that no money has been used by the petitioner and the withdrawal of an amount of Rs.19,00,000/- from the account of the

complainant cannot be related to the petitioner, in many manner. Learned counsel for the petitioner submits that as the petitioner is ready to join and cooperate in investigation, he may kindly be granted the benefit of anticipatory bail.

Learned State counsel by placing reliance upon the status report submits that as per the status report, an ATM card was got issued by the petitioner in connivance with the bank official and the said ATM card has been used in Delhi, whereas, the complainant never visited Delhi. Further, it has been mentioned that the petitioner has used the ATM card, even for getting his car repaired, which shows that the same was in fact in the possession of the petitioner and was being used by him, hence, custodial interrogation' of the petitioner is necessary to find out the said ATM card and the money, which the petitioner has taken out from the account of the complainant.

Learned counsel appearing for the complainant submits that out of Rs.19,00000/- which has been taken out from the account of the complainant, a sum of Rs.5,00,000/- has been got transferred in the account of the petitioner, which itself shows that an ATM card was being used by the complainant for his benefit and the amount, which the complainant got after the death of her husband, who was an Army officer, has been swindled by the petitioner to his interest.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that large amount, which has been withdrawn from the account of the complainant fraudulently by using an

ATM card has gone either in the account of the petitioner or he himself used the same for his own benefit and no explanation has come before this Court, as to how come, if the said ATM card was not in the possession of the petitioner, the same has been used for the said purpose. A sum of Rs.19,00,000/- has been taken out from the account of the complainant, which she has got from the department where her husband was employed after the death of her husband. It has come on record that the complainant is suffering financial constraints and is unable to make both ends meet being a widow of the retired Army officer and has to maintain her two minor daughters. The petitioner approached this Court and submitted that he intends to settle the dispute with the complainant and had got interim order in his favour. Learned counsel for the complainant submitted before this Court that no amount was paid by the petitioner to the complainant and even today learned counsel for the petitioner submitted before this Court that the petitioner is not liable to pay any amount as the allegations are false.

Keeping in view the above, as custodial interrogation of the petitioner is necessary to find out the truth behind the allegations and also to recover the amount, which allegedly has gone either in the account of the petitioner or used by him for his own benefit, no ground is made out to allow the present petition seeking anticipatory bail.

Dismissed.

February 09, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No