

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

(I) CRM-M-20264-2022 (O&M)

Kiran Kumari & another ...Petitioners

Versus

State of Punjab ...Respondent

(II) CRM-M-21354-2022 (O&M)

Sonali ...Petitioner

Versus

State of Punjab ...Respondent

Date of Decision: 24.11.2022

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: None for the petitioner/s.

Ms. Swati Batra, AAG, Punjab,
assisted by ASI Gurdev Singh and HC Hakam Singh.

Mr. K.P.Singh, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of Kiran Kumari, Danish and Sonali, seeking grant of anticipatory bail in respect of a case registered vide FIR No.0119 dated 21.10.2021 at Police Station Ghuman, under Sections 420/120-B IPC.
2. At the time of issuance of notice of motion in CRM-M-20264-2022, the following order was passed on 12.05.2022:

“Petitioner No.1-Kiran Kumari aged 46 years and petitioner No.2-Danish (son of petitioner No.1) aged 20 years seek grant of anticipatory bail in respect of a case registered vide FIR No.0119 dated 21.10.2021, Police Station Ghuman, District Gurdaspur, under Sections 420 and 120-B of Indian Penal Code.

The FIR was lodged at the instance of Gurdev Singh, wherein it is alleged that he had been cheated of an amount of Rs.15 lakhs by Vipin Kumar, his wife Kiran Kumari, his daughter Sonali, his son-in-law Rahul, his unmarried daughters Nikki and Guddi; his aunt Prabha and his sister Radhika @ Pooja and her husband Rakesh Kumar.

Learned counsel for the petitioners submits that although as per the FIR, the complainant had paid an amount of Rs.2 lakhs from his bank account to Vipin Kumar while the remaining in cash but even as per the bank account statement of Vipin Kumar, it is only an amount of Rs.1 lakh, which had been received by Vipin Kumar and which infact was received as a loan amount against jewellery. Learned counsel submitted that the matter apparently arises out of some monetary transactions on account of which the complainant has roped in the entire family of Vipin Kumar.

Learned counsel for the petitioners submitted that petitioner No.1-Kiran Kumari is the wife of Vipin Kumar, whereas petitioner No.2- Danish is his son aged 20 years and that there is nothing on record to show that the petitioners have ever received any amount from Vipin Kumar. It has further been submitted that although in the FIR there are some allegations to the effect that a co-accused Radhika @ Pooja had issued a cheque for an amount of Rs.15 lakhs in favour of the complainant, which was dishonoured but even if said allegation is accepted to be correct, the same would at best inculcate co-accused Radhika @ Pooja for some offence under Negotiable Instruments Act for dishonour of a cheque.

Notice of motion for 30.8.2022.

Meanwhile, in the event of arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join investigation as and when

called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Similarly, in the connected case i.e. CRM-M-21354-2022, this Court vide order dated 18.05.2022 while issuing notice of motion granted interim bail to the co-accused Sonali.
4. Learned State counsel upon instructions has submitted that pursuant to interim directions issued by this Court, all the petitioners have since joined investigation and are not required for any custodial interrogation and that they are not involved in any other case.
5. Having regard to the aforestated position, wherein all the petitioners are stated to have joined investigation and are not required for any custodial interrogation and otherwise have a clean record, both the petitions are accepted and the interim directions issued by this Court vide order dated 12.05.2022 and 18.05.2022 are hereby made absolute subject to the condition that the petitioners 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.
6. A photocopy of this order be placed on the connected file.

(GURVINDER SINGH GILL)
JUDGE

24.11.2022
Vimal

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**