

208

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

**CRM-M-20575-2022
Date of Decision: 16.11.2022**

Jagtar Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. J.S. Bhandohal, Advocate for
for the petitioners.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Kulwant Singh, Advocate
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.23, dated 24.03.2022, under Sections 406, 420, 465, 467, 468, 471 of IPC, registered at Police Station Sadar Raikot, District Ludhiana.

Learned counsel for the petitioners has submitted that the petitioners who are the parents of one Muskan have been falsely implicated in the present case and even as per the allegations, the complainant who is the son-in-law of the petitioners had spent some money for sending Muskan abroad and at the most it is a case of family dispute between the daughter of the petitioners and her husband who is the complainant. He further submitted that on the face of it, the dispute is a family dispute between the family members which has been given a criminal flavour by the complainant. He

further submitted that be that as it may, this Court while issuing notice of motion on 13.05.2022 granted interim bail to the petitioners and in pursuance of the aforesaid order, both the petitioners have already joined investigation and they are cooperating with the investigating process and has prayed that the aforesaid order may be confirmed.

Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab, on instructions from A.S.I. Sukhjeet Singh, who is present in the Court, has stated that in pursuance of the order passed by this Court on 13.05.2022, the petitioners have joined investigation and they are fully cooperating with the investigation process and they are not required for custodial interrogation.

Mr. Kulwant Singh, advocate, has put in appearance on behalf of the complainant and has submitted that there was an element of deceit at the inception level and the petitioners have cheated the complainant and taken some amount from him. He submitted that even as of today, an amount of approximately Rs.6 lacs is outstanding and, therefore has opposed the grant of anticipatory bail to the petitioners.

I have heard the learned counsel for the parties.

The dispute in the present case is between the petitioners who are the father-in-law and mother-in-law of the complainant and the dispute is with regard to the giving of some money by the complainant for sending the wife of the complainant abroad. On the face of it, this Court is of the view that the dispute appears to be a financial dispute between the family members. The petitioners were granted interim bail by this Court and in pursuance thereof they have already joined the investigation and as per State counsel, they are not required for custodial interrogation.

The objection raised by the learned counsel for the complainant that the money had not been returned by the petitioners cannot become a ground for denial of bail to the petitioners since it is a settled law that the police cannot become recovery agents. Even otherwise also since the State has also taken up a stand that the petitioners are not required for custodial interrogation. Therefore, this Court deems it fit and proper to grant anticipatory bail to the petitioners.

In view of the above, the present petition is allowed and the order dated 13.05.2022 is hereby made absolute.

16.11.2022*neelam***(JASGURPREET SINGH PURI)****JUDGE**

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |