

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

CRM-M-48854-2018

Date of decision : 21.03.2022

Sukhwinder Singh and another

...Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Hardeep Singh, Advocate for the petitioners.
Mr. V.G.Jauhar, Senior DAG, Punjab.

MANOJ BAJAJ, J.

Petitioners have approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.284 dated 12.09.2018 under Sections 406, 420 and 120-B Indian Penal Code, 1860 registered at Police Station City Rajpura, District Patiala, who apprehend their arrest at the hands of Police.

Learned counsel for the petitioners has argued that the complainant, namely, Lishu is closely related to the petitioners being their real niece and was brought up by petitioners after the demise of her parents in September-October, 2014. He has submitted that as per the contents of the FIR itself, the complainant and other siblings resided with the petitioners and even her marriage was also performed in the year 2016, who has falsely implicated the petitioners in the above FIR with the allegations that the cash, gold ornaments etc. left behind by her parents were misappropriated by the petitioners. Learned

counsel has drawn the attention of the Court to the complaint dated 18.08.2015 (Annexure P-5) moved by the complainant before SHO Police Station, City Sangrur, wherein it is specifically alleged that after the demise of her parents, children were neglected by her uncle and Bimla Devi (step grand-mother), who got the property mutated in her name and the petitioners had been providing help to the complainant and her siblings. He submits that it is specifically mentioned in the said complaint that after panchayat meeting, the custody of the children was granted to the petitioners. He submits that FIR has been lodged after the long delay and the father of the complainant-Subhash Chander was under debt and was facing proceedings under SARFAESI Act as well as a suit for specific performance was also filed by one Balwinder Singh with whom Subhash Chander had entered into an agreement to sell and the suit is still pending adjudication. He submits that case of the prosecution is based upon documentary material and pursuant to the order dated 01.11.2018, the petitioners associated themselves in the investigation and cooperated during interrogation. He prays for grant of anticipatory bail.

Learned State counsel who is instructed by ASI Jaspal Singh has referred to the status reply filed by way of affidavit of Sukhraj Singh, PPS, Deputy Superintendent of Police, Sub Division, Bhawanigarh and has argued that no doubt the petitioners have joined the investigation, but for recovery of cash and gold articles, their

custodial interrogation is necessary. However, it is not disputed that as per allegations, the complainant along with her brother and sisters were brought up by the petitioners after the demise of their father and even the marriage of the complainant was performed by the petitioners.

At this stage, learned counsel for the petitioners has submitted that even the petitioners are engaged in talks with the complainant for settlement of the dispute and this fact is not disputed by learned State counsel.

Considering the above background, nature of the offence and the fact that the case of the prosecution is based upon the documentary material, therefore, custodial interrogation of the petitioners may not be necessary.

Resultantly, the petition is allowed and the interim bail granted by this Court vide order dated 01.11.2018 is made absolute.

(MANOJ BAJAJ)
JUDGE

21.03.2022

vanita	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No