

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-38014-2021 (O&M)
Date of Decision:- 21.2.2022

Rajiv Tiwari

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhinav Gupta, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by SI Baljinder Singh.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.155 dated 24.8.2021 at Police Station Division No.6, District Jalandhar under Sections 406 and 120-B of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed by this Court on 14.9.2021:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.155 dated 24.8.2021 at Police Station Division No.6,

District Jalandhar under Sections 406 and 120-B of Indian Penal Code.

The FIR in question was lodged at the instance of Raj Navinder Singh Vahad, wherein it is alleged that his father Sh. Tarlochan Singh Vahad was 'karta' of the Hindu Undivided Family, in which he alongwith with his mother and his brother Harpreet Singh were members. An account in the name of 'HUF' had been opened in Punjab National Bank, which was being operated by his father Tarlochan Singh Vahad. The complainant's father Tarlochan Singh Vahad expired on 31.5.2014 at Jalandhar. Later the complainant's mother also expired on 10.3.2017. The complainant made an application to the bank on 27.3.2018 on the basis of which the account was frozen. It is alleged that subsequently he came to know that his younger brother Harpreet Singh while representing himself to be 'karta' operated the bank account and had withdrawn an amount of about Rs.30 lakhs from the said account. The complainant alleged that his younger brother Harpreet Singh, in connivance with the bank officials, had thus illegally withdrawn an amount of Rs.30 lakhs from the HUF account, whereas the complainant being the elder son of deceased was entitled to be the 'karta'. It is alleged that his younger brother Harpreet Singh had earlier forged 'WILL' of his maternal grandfather in respect of which FIR was lodged and he was in custody.

Learned counsel for the petitioner has submitted that the petitioner has been roped in being Manager of the bank in question. It has been submitted that while Harpreet Singh was permitted to operate the bank account being 'karta' in the year 2015 and the withdrawals are said to have been made upto the year 2018, the petitioner had been transferred out of Jalandhar in the year 2017. It has further been

submitted that the petitioner cannot be said to be beneficiary in any manner as the amount in question had been withdrawn by Harpreet Singh. It has also been submitted that there is a delay in lodging the FIR inasmuch it is apparent from the FIR that the complainant had come to know about the fact that Harpreet Singh had been operating the account in the year 2018 but the FIR has been lodged in the year 2021 i.e. after about 3 years. It has also been submitted that the petitioner has since retired and is aged about 62 years and is suffering from various ailments since the year 2018 in respect of which he has been taking medical treatment initially from Armaan Hospital, Jalandhar City and subsequently from Neuro Psychiatric Hospital & ANR Centre of Opiate DeAddiction, Jalandhar City and in respect of which he has placed on record the medical certificates Annexures P-2 to P-4.

Notice of motion for 21.2.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner 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.

The State to verify about the authenticity of the medical certificates Annexures P-2 to P-4 and to inform this Court as to whether the said hospitals are existing and as to whether the certificates in question have been issued by the hospitals in question. ”

3. Learned State counsel, upon instructions from SI Baljinder Singh has informed that pursuant to interim directions, the petitioner has since

joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not wanted in any other case.

4. I have considered the aforesaid submissions addressed before this Court.
5. In view of the aforestated position, the petition is accepted and interim directions issued by this Court vide order dated 14.9.2021 are hereby made absolute subject to the condition that the petitioner shall regularly appear before the trial Court and abide by the conditions as provided under Section 438 (2) Cr.P.C.

21.2.2022

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No