

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-50082-2021(O&M)

Date of decision : 03.02.2022

Jasjeet Singh Kohli and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr.Mandeep Singh Sachdev, Advocate
for the petitioners.

Mr.Praveen Bhadu, AAG, Haryana.

Mr.Sanjeev Roy, Advocate
for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

CRM-40821-2021

Allowed as prayed for.

CRM-M-50082-2021

This is a first petition under Section 438 Cr.P.C. for grant of pre-arrest bail in FIR no.0129 dated 25.04.2021 registered under Sections 420, 406, 467, 468, 471, 120-B IPC at Police Station Sector 17, HUDA, Jagadhri, District Yamuna Nagar.

On 20.12.2021, a coordinate Bench of this Court was pleased to pass the following order:-

*“This petition under Section 438 Cr.P.C. for grant
of pre-arrest bail has been moved by petitioners-Jasjeet*

Singh Kohli and Jaspreet Singh Kohli in case FIR No.129 dated 25.04.2021 under Sections 120-B, 406, 420, 467, 468 and 471 IPC, registered at Police Station Sector-17,HUDA, Jagadhari, Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner inter alia contends that version, as alleged in the FIR, is concocted one and there is no iota of truth therein. He further urges that allegedly petitioners in conspiracy with each other forged signatures of complainant on cheques bearing No.084698 and 084706 in the year 2012 and withdrew amount from the account of complainant-Sandeep Kaur, whereas above said allegations have no footing to stand. He further urges that in fact petitioner No.1-Jasjeet Singh Kohli is the husband of complainant and petitioner No.2-Jaspreet Singh Kohli is brother-in-law (Jeth) of complainant-Sandeep Kaur. He further urges that as a matter of fact instant FIR has been got registered with the sole ulterior motive to pressurize the petitioners to settle the matrimonial dispute and compel petitioner No.1-Jasjeet Singh Kohli to dissolve his marriage with complainant-Sandeep Kaur. He further urges that previously, divorce petition under Section 13-B of Hindu Marriage Act filed for dissolution of marriage by passing the decree of divorce with mutual consent was dismissed, vide order dated 05.09.2018 (Annexure P/2), as petitioner No.1- Jasjeet Singh Kohli was not agreeable to the dissolution of marriage. He further urges that complainant has already got registered one more FIR No.282 dated 01.06.2019 under Sections 323, 354, 377, 406, 498-A, 506 and 511 IPC, in Police Station City, Yamuna Nagar, and that too on frivolous allegations, wherein both the petitioners have already been admitted to pre-arrest bail by Sessions Court, Yamuna Nagar, vide order dated 12.07.2019

(Annexure P/3). He further urges that moreover, previously complainant had filed a complaint on the same set of allegations before Deputy Superintendent of Police, (Head Quarter), Yamuna Nagar, which was consigned to record room in October, 2019. He further urges that another complaint was moved by complainant, which was assigned to Economic Offence Wing by Superintendent of Police, Yamuna Nagar, in January, 2020, and later on said complaint was transferred to Jalandhar for further investigation. He further urges that accordingly complaint was examined by Economic Offence Wing, Division No.2, Jalandhar, but after having probed the matter, the same was consigned to record room as no offence was made out against the petitioners. He further urges that during the course of above said proceedings before Economic Offence Wing, Jalandhar, matter was inquired into from Union Bank of India, wherein vide its report dated 18.08.2020 said Bank gave the report that alleged cheques were encashed self by Sandeep Kaur, as per bank record, as is evident from documents Annexures P/6 and P/7. He further urges that in a given scenario, registration of instant FIR smacks of foul play at the instance of complainant and that too in connivance of police authorities. He further urges that in fact family of complainant is under huge financial liability towards petitioners and to this effect, complaint under Section 138 of Negotiable Instruments Act, (Annexure P/9) is pending against the complainant in the Court at Jalandhar and the present FIR has been got registered as a counter blast to the above said proceedings already pending against her. He further submits that though petitioners have no nexus whatsoever with the alleged offence, they are ready to join investigation as and when called upon to do so by the Investigating Agency.

Notice of motion.

At the asking of Court, Mr. Anmol Malik, Deputy Advocate General, Haryana, accepts notice on behalf of respondent-State and seeks time to file status report. Complete copy of paper book be supplied to him during the course of the day.

Adjourned to 03.02.2022.

Meanwhile, in the eventuality of arrest of petitioners in the instant case FIR, they shall be enlarged on interim bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting Officer/Investigating Officer. Petitioners shall join investigation on 24.12.2021 at 10:00 AM sharp before Investigating Officer in Police Station Sector-17, HUDA, Jagadhari, Yamuna Nagar, District Yamuna Nagar, and on any other subsequent date as informed to them by the Investigating Officer. Petitioners shall abide by conditions as laid down in Section 438(2) Cr.P.C. in letter and spirit. Status report by respondent-State be filed with the Registry of this Court well before the date fixed with copy in advance to learned counsel for petitioners.

*(LALIT BATRA)
JUDGE”*

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioners have already joined the investigation on two occasions, i.e. on 24.1.2021 and 27.01.2022.

Learned counsel for the State, on instructions from SI Chander Pal, has submitted that the petitioners have joined investigation and are not required for further investigation. It is further submitted that although, status report was called for, but in view of present circumstances, the same is not required to be submitted.

Learned counsel for the complainant, on the other hand, has opposed the petition for anticipatory bail and has submitted that the cheque in question has been misused by the petitioner.

Keeping in view above said facts and circumstances moreso, the facts which have been noticed in the order dated 20.12.2021 and also in view of the fact that the petitioners have already joined the investigation and are not required for further investigation, this Court feels that no useful purpose would be served in keeping the matter pending any further and the fact that the present dispute arises out of a matrimonial dispute, the present petition for anticipatory bail is allowed and the interim order dated 20.12.2021 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

February 03, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No