

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

**CRM-M-15831-2022
Date of Decision : 27.04.2023**

Kajal Sehgal and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present : Mr. Mandeep Kaushik, Advocate
for the petitioners.

Mr. M.S.Nagra, AAG, Punjab
for the respondent-State.

Mr. Surjit Singh Swaich, Advocate
for the complainant.

VIKRAM AGGARWAL, J (ORAL)

1. The present petition has been preferred under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in case FIR No.0019 dated 12.05.2021, registered under Section 406 IPC, at Police Station N.R.I., Police Commissionerate, Ludhiana.

2. Complainant Vikram Sharma was married to one Kritika Sehgal who is the daughter of the present petitioners. The marriage was solemnized on 14.08.2018 at Ludhiana and the same was registered on 06.09.2018. It has been alleged that after the marriage, Kritika Sehgal, her parents and brother Ashish Sehgal approached the parents of the complainant stating that for the

bright future of the couple, they should be sent to Canada for higher studies. The complainant was allured by the accused that the couple should shift to Canada for getting higher education which would improve his future prospects. Kritika Sehgal, her parents and brother stated that they did not have any money and, therefore, all expenses would be borne by the complainant and his parents. The allegation is that around Rs.10,00,000/- was paid by the parents of the complainant and even all expenses on the marriage of the couple were incurred by the parents of the complainant. However, Kritika Sehgal hatched a criminal conspiracy with her parents and brother and initially she left India and then stopped responding to the calls of the complainant and started ignoring him. She was working there and was sending money to her parents. The complainant, however, kept on depositing more amount in her account on demand having been raised. Subsequently, she started saying that she could not live with the complainant. Under the circumstances, the FIR was lodged at the instance of the complainant.

3. I have heard learned counsel for the parties.

4. Learned counsel for the petitioners has submitted that the petitioners have joined investigation under the orders passed by this Court. It has been submitted that even otherwise, the FIR is a pure abuse of the process of law and that the ingredients of Section 406 IPC do not stand fulfilled. It has been submitted that the custodial interrogation of the petitioners is not required and the same is being sought only with a view to pressurize the petitioners. It has been submitted that it is a dispute between the couple and the petitioners are being implicated only because their daughter is settled abroad.

5. On the other hand, learned counsel representing the respondent-State of Punjab as well as learned counsel for the complainant has submitted that the complainant has been left high and dry after having spent lacs of rupees on his wife and that the petitioners, in conspiracy with their daughter misappropriated the entire amount and cheated the complainant.

6. I have considered the submissions made by learned counsel for the parties.

7. Vide order dated 19.04.2022, passed by a Coordinate Bench of this Court, the petitioners had been directed to join investigation and had also been directed to abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

8. Learned counsel for the respondent-State of Punjab has submitted that the petitioners have joined investigation but recovery of the misappropriated amount has not been effected.

9. In the considered opinion of this Court, non-recovery of the amount alleged to have been misappropriated is not a ground for denying the concession of anticipatory bail to the petitioners. It has to be borne in mind that the parties to the dispute are a married couple and the petitioners are the parents of the wife who has gone abroad. Her husband, who is the complainant in the present case, having been left behind, feels that the amount has been misappropriated at the instance of the present petitioners. Whether the present petitioners are actually involved or not shall be determined at the stage of trial. They have duly joined investigation under the orders passed by this Court.

10. In the considered opinion of this Court, custodial interrogation of the petitioners is not required.

In view of the above, the present petition is allowed. The order dated 19.04.2022, granting interim bail to the petitioners, is made absolute.

(VIKRAM AGGARWAL)
JUDGE

27.04.2023
mamta

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No