

2023:PHHC:061019

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
(i) CRM-M-16754-2023 (O&M)

Sumit Aggarwal
Versus
State of Haryana

.... Petitioner
... Respondent

**(ii) CRM-15359-2023 in/and
CRM-M-16989-2023**

Gurleen
Versus
State of Haryana

.... Petitioner
... Respondent

Date of Decision:28.04.2023

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Mayank Bajaj, Advocate and
Mr. Nipun Bhardwaj, Advocate
for the petitioners.

Mr. Surender Singh, AAG, Haryana.

VIKRAM AGGARWAL, J. (ORAL)

CRM-15359-2023 in CRM-M-16989-2023

Through this application prayer has been made for grant of leave under Rule 3/A (1) of Chapter VI, Part B, Vol. V of Punjab & Haryana High Court Rule and Order.

Application is allowed as prayed for subject to all just exceptions.

CRM-M-16754-2023
CRM-M-16989-2023

This order shall dispose of two petitions, both filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the

petitioners in case FIR No.62 dated 07.03.2023, registered under Sections 454, 380 and 120-B IPC, at Police Station Sector-14, Gurugram.

2. Learned counsel for the petitioners submits that in compliance of the orders dated 03.04.2023 (in CRM-M-16754-2023) and 11.04.2023 (in CRM-M-16989-2023) passed by this Court, the petitioners have joined investigation.

3. Learned State counsel, on instructions from SI Dharmender states that though the petitioners have joined investigation, recovery of the alleged amount which had been stolen, is yet to be made.

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

5. On 03.04.2023 and 11.04.2023, the following orders were passed in CRM-M-16754-2023 & CRM-M-16989-2023 respectively:-

“CRM-M-16754-2023 (O&M)

CRM-15195-2023

Prayer in this application is for grant of leave under Rule 3/A(1 of Chapter VI, Part B, Vol. V of Punjab and Haryana High Court Rule and Order for exemption for filing the present petition.

Heard. For the reasons, mentioned in the application, the same is allowed.

CRM-M-16754-2023

Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated. He submits that as per the allegations levelled by the complainant, one Ankush Kochar had solemnized marriage with the daughter of the complainant namely Gurleen Kaur and she told him that Ankush Kochar and the present petitioner who is the brother-in-law of Ankush Kochar had come to their house and had stolen Rs.55,00,000/-. Learned counsel submits that Gurleen Kaur had solemnized marriage. He further submits that Ankush Kochar was arrested by the police on 07.03.2023 and has been released on regular bail vide order dated 21.03.2023 (Annexure P-6). Learned counsel submits that the petitioner is willing to join investigation.

Notice of motion.

On the asking of the Court, Mr. Surender Singh, Asstt. Advocate General, Haryana accepts notice on behalf of the respondent-State. Complete copy of the paper book be supplied to him during the course of the day.

Service is complete.

List on 28.04.2023.

In the meantime, the petitioner is directed to appear

before the Arresting/Investigating Officer and join investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to compliance of the provisions of Section 438(2) Cr.P.C.”

CRM-M-16989-2023

Learned counsel for the petitioner contends that the petitioner had solemnized marriage with one Ankush Kochar, two years prior to the registration of the FIR but was living in her parental house. He submits that when the father of the petitioner i.e. the complainant namely Jagjit Singh came to know about the marriage, he levelled these false allegations against the petitioner, her husband Ankush Kochar and the brother-in-law of Ankush Kochar namely Sumit Aggarwal. Learned counsel submits that Ankush Kochar has already been granted regular bail after having remained in custody for a period of about 14 days. It has further been submitted that vide order dated 03.04.2023 (Annexure P-6), co-accused Sumit Aggarwal has also been granted interim relief by this Court. Learned counsel submits that the petitioner is willing to join investigation and abide by the conditions imposed by this Court.

Notice of motion.

On the asking of the court, Mr. Surender Singh, Asstt. A.G., Haryana accepts notice on behalf of the respondent-State.

List on 28.04.2023.

In the meantime, the petitioner is directed to appear before the Arresting/Investigating Officer and join investigation. In the event of arrest, she shall be released on interim bail to the satisfaction of the Arresting/Investigating Officer, subject to compliance of the provisions of Section 438 (2) Cr.P.C.”

6. Admittedly, in compliance of the orders passed by this Court, the petitioners have joined investigation. The main accused i.e. Ankush Kochar has already been arrested and is on regular bail. The petitioner Sumit Kochar is stated to be the brother-in-law of the main accused Ankush Kochar whereas the petitioner Gurleen Kaur is the daughter of the complainant and had solemnized marriage with Ankush Kochar. The dispute appears to be with regard to the marriage of the petitioner Gurleen Kaur with the said Ankush Kochar. As to whether any offence has been committed by the present petitioners or not shall be determined at the stage of trial. In the considered opinion of this Court, custodial interrogation of the petitioners would not be required.

7. In view of the above, the present petitions are allowed and the orders

dated 03.04.2023 (in CRM-M-16754-2023) and 11.04.2023 (in CRM-M-16989-2023), granting interim bail to the petitioners, are made absolute.

(VIKRAM AGGARWAL)

JUDGE

28.04.2023

M.Sikka

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No