

213
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19582-2023(O&M)
Date of decision : 04.12.2023

Chetan Tandon ... Petitioner(s)

Versus

State of Punjab & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. P.S. Ahluwalia, Advocate and
Mr. Jaiveer Singh, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab for respondent No.1.

Mr. S.P.S. Sidhu, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0021 dated 01.02.2023 under Sections 406, 498-A, 420, 120-B, 354 and 506 of the Indian Penal Code, 1860 registered at Police Station Division 8, Ludhiana, District Ludhiana.

2. On 11.09.2023 the following order was passed :

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0021 dated 01.02.2023 under Sections 406, 498-A, 420, 120-B, 354

and 506 of the Indian Penal Code, 1860 registered at Police Station Division 8, Ludhiana, District Ludhiana. Despite numerous efforts made to reach to an amicable settlement, the parties have not been able to arrive at an amicable settlement.

Learned counsel for the petitioner would contend that the marriage in the present case is 17 years old and that prior to lodging of the present FIR there was never any complaint. Learned counsel for the petitioner would further contend that there are three children out of the wedlock and that the petitioner himself is staying out of the matrimonial house along with two of his children and the complainant, who is wife of the petitioner, is residing in the matrimonial house along with one child. Learned counsel for the petitioner has contended that prior to lodging of the present FIR a complaint was filed being COMI-749-2022 instituted on 01.12.2022 against the complainant and her father in which they have been summoned under Sections 420, 465, 467, 468 read with Section 120-B of the Indian Penal Code, 1860 and it is only thereafter that the present FIR has been lodged. This Court vide order dated 20.04.2023 had stayed the arrest of the petitioner only in order to facilitate the mediation which now is not possible.

List on 04.12.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in

Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for complainant-respondent No.2 has contended that an amount of Rs.47,00,000/- is yet to be recovered which was transferred from the account of the father of complainant-respondent No.2 to the petitioner's account.

4. Learned counsel for the petitioner would contend that pursuant to the order dated 11.09.2023 the petitioner has joined investigation and has fully cooperated. Learned counsel for the petitioner would further contend that an amount of almost Rs.5 Crores was transferred from the various companies owned by the petitioner to the accounts of the companies in which the father and the brother of complainant-respondent No.2 are Directors.

5. Learned counsel for the State on instructions from ASI Avtar Singh has stated that the petitioner has since joined investigation. However, no recovery of the amount of Rs.47,00,000/- has been made.

6. Heard.

7. In the present case the petitioner, pursuant to the order dated 11.09.2023, has joined investigation. The question regarding the recovery of Rs.47,00,000/- cannot be gone into in a petition filed for anticipatory bail for the reason that there seems to be financial issues between the parties wherein the petitioner has claimed, supported by the documents which have been appended with the present petition, that an amount of Rs.5 Crores stood

transferred to the various companies in which the brother and the father of complainant-respondent No.2 are Directors.

8. In view of the above and keeping in view the fact that the petitioner has since joined investigation, the order dated 11.09.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

9. Disposed off accordingly. Pending applications, if any, also stand disposed off.

10. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

04.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO