

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

219

CRM-M-35745-2023

Date of Decision: 31.08.2023

Deepak Mehra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Sunil Chadha, Senior Advocate with
Mr. Raghav Chadha, Advocate and
Ms. Taanvi Dhull, Advocate, for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. J.S. Bajwa, Advocate, for
Mr. G.B.S. Dhillon, Advocate, for the complainant.

VIKAS SURI, J. (Oral)

1. This is a petition filed under Section 439 Cr.P.C. seeking grant of regular bail to the petitioner in case FIR No.319, dated 06.12.2022, under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Division No.5, District Commissionerate, Ludhiana.
2. Status report by way of affidavit dated 30.08.2023 and custody certificate of the petitioner dated 29.08.2023 have been filed by the learned State counsel in Court today. The same are take on record. A copy thereof furnished to learned counsel appearing for the petitioner.
3. Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He contends that the

instant FIR is a result of family dispute between two sisters. The same is registered on a complaint moved by one Rakhi Kawatra against her sister Anudeep Kaur and her sister's husband Deepak Mehra i.e. the present petitioner, alleging that a Skoda Laura car bearing registration No.PB-10-CS-5091, owned by father of the complainant, has been illegally got transferred by the petitioner, in his name.

4. Learned senior counsel submits that the car in question was gifted by father-in-law of the petitioner to the petitioner and his wife at the time of their marriage, which took place on 23.11.2009 and since then, said car is in their possession and is being used by them. It is submitted that the petitioner is making the payments of insurance policies of the said car since the year 2010 from his bank account, details of which have been appended as Annexure P-3. It is further submitted that there are multiple litigations going on between the complainant and the petitioner and the complainant's sister, thus, the petitioner and his wife have been falsely implicated in this case with an intention to harass them and pressurise them

5. Learned senior counsel has further submitted that the petitioner was arrested in this case on 13.06.2023 and since then, he is in custody. It is pleaded that there is no other case against the petitioner and no further recovery is to be effected from him. It is also submitted that wife of the petitioner, who is also implicated in this case, has been granted the concession of regular bail by this Court vide order dated 12.01.2023 passed in CRM-M-197-2023. Referring to para 7 of the status report dated 30.08.2023, learned senior counsel submits that the some more persons are yet to be implicated/arrested in this case and therefore, investigation in this case is not likely to be completed soon and thus, no useful purpose would be

served by keeping the petitioner behind bars. He, thus, submits that the petitioner be granted the concession of regular bail.

6. On the other hand, learned State counsel opposes the grant of regular bail to the petitioner referring to seriousness of the allegations. He submits that the petitioner is the main accused and has got transferred the vehicle in question in an illegal manner. Referring to a communication received from the Director, Forensic Science Laboratory, Punjab, he submits that signatures of the petitioner are still required for thorough scientific examination and definite opinion. However, he is not in a position to dispute the other factual aspects.

7. Learned counsel appearing for the complainant has submitted on the same lines and opposed the instant bail petition by stating that the petitioner is the main conspirator. He, however, could not dispute the fact that wife of the petitioner has already been granted the concession of regular bail and other litigation is going on between the complainant and his sister.

8. I have heard learned counsel for the parties and have gone through the material placed on record.

9. Perusal of the record shows that the FIR in question pertains to year 2022 and the petitioner was arrested in this case on 13.06.2023. Thereafter, matter is still under investigation. As per the status report dated 30.08.2023, some persons are yet to be arrested in this case. This shows that the investigation in this case is going on a snail's pace. No further recovery from the petitioner is to be effected in this case. The question which arises is that for how much time, petitioner can be kept behind the bars on account of extremely slow investigation. The allegation against the petitioner is not of such type where he is involved in illegal activities of transferring vehicles.

There is a family dispute between two sisters regarding inheritance and on account of that, instant FIR has been got registered. It transpires from the record that the car in question was in possession of the petitioner and his wife since their marriage, which took place on 23.11.2009.

10. Keeping in view the above discussion and the fact that the FIR in question is a result of family dispute over inheritance; no more recovery is to be effected from the petitioner; there is no other case against the petitioner; the matter is still under investigation, which will take some time as some persons are still to be arrested and the wife of the petitioner, who is also an accused in this case, has been granted the concession of regular bail by this Court vide order dated 12.01.2023 passed in CRM-M-197-2023 and also that petitioner is not required in any other case, his further custody for an indefinite period would not be justified.

11. Accordingly, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing adequate personal bond and surety to the satisfaction of concerned trial Court/Duty Magistrate. It is made clear that the petitioner will cooperate in the investigation and appear before the investigator as and when called by him; and shall abide by the conditions specified under Section 438(2) Cr.P.C.

12. Any observation made hereinabove shall not be construed to be an expression of opinion on merits of the case.

August 31, 2023
harish

(VIKAS SURI)
JUDGE

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