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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CRM M - 45414-2023  
Date of decision: 13.09.2023

*Kuldip Singh and another* .....*Petitioners*  
*Versus*  
*State of Haryana* .....*Respondent*

**Coram: Hon'ble Mr. Justice Rajbir Sehrawat**

**Present:** Mr. P S Hundal, Senior Advocate with  
Mr. Gursahib Singh Hundal, Advocate  
Mr. Harnamanpreet Singh, Advocate and  
Mr. Ankush Chaudhary, Advocate  
for the petitioners

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**Rajbir Sehrawat, J. (Oral)**

The present petition has been filed under Section 438 of the Code of Criminal Procedure, praying for grant of anticipatory/pre-arrest bail to the petitioners in case FIR No. 255 dated 10.05.2022, registered under Sections 406 and 420 of the Indian Penal Code, at Police Station Kurukshetra University, Kurukshetra (Haryana)

It is submitted by counsel for the petitioners that the case against the petitioners is totally false and concocted. The petitioners are not involved in the crimes as alleged against them. As per the story of the prosecution, the alleged transaction of transfer of money had taken place between son of the petitioners and one Tehal Singh. However, the said Tehal Singh himself has been made accused in the present case. No money was transferred from the bank account of the complainant either to the bank account of the petitioners or to the bank account of their son. Even the

allegations qua payment in cash to the petitioners is concocted one. The petitioners had not even visited the Pipli, Kurukshetra, where the complainant claims to have paid the money. Even as per the complainant, his son was already in Ukrain when the alleged discussion between son of the petitioners and son of the complainant had taken place. Therefore, there is no question either of the petitioners or their son getting money for sending son of the complainant to Germany. The son of the complainant was well aware of the procedure and *nitty-gritty* of going abroad. The petitioners shall join the investigation as and when called by the police. Hence, the petitioners deserve to be protected against their arrest.

Notice of motion.

Mr. Krishan Kumar Chahal, Additional Advocate General, Haryana accepts notice on behalf of the respondent - State.

Counsel for the State, on instructions from SI Subhash Chander has submitted that son of the petitioners has cheated the complainant and his son in collusion with the petitioners. The part payment of the amount was made by the relative of the complainant in the bank account of the son of petitioners. However, a sum of Rs.1,81,300/- was paid to the petitioners in cash. Therefore, their complicity in the crime is writ large on the face of it. However, it is not disputed that the money, which has been transferred to son of the petitioners through bank account, has not gone from the bank account of the complainant, rather, the same has gone from the bank account of one Tehal Singh. Even the said Tehal Singh is a suspect, as mentioned in the FIR. It is also not disputed that before the alleged transaction had taken place, son of the complainant was already in Ukrain.

In view of the above, but without commenting anything on

merits of the case, the present petition is allowed. In the event of arrest, the petitioners be released on bail, subject to their furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

(Rajbir Sehrawat)  
Judge

13.09.2023  
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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |