

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

**C.R.M-M No.25658-2015
Date of decision : 07.10.2015**

Sunil Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. J.S.Hooda, Advocate
for the petitioner.

Ms. Tanushree Gupta, D.A.G., Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.188 dated 30.06.2014 registered under Sections 406 and 420 IPC at Police Station Sector 18, District Gurgaon.

On 20.08.2015 the following order was passed :-

“This is a petition for anticipatory bail.

Learned DAG, on instructions from PSI Davinder Singh, states that the real dispute is that the petitioner employ people in his IT company and took money from them by way of bank draft as security as per the complaint. As per her the question of payment of salary to the complainant is a different thing but money which the petitioner has taken by way of bank draft as

security has to be returned to them even if their services were not satisfactory and had to be terminated after one month/two months. As per her after the original 12 complainants about 16/17 more persons have approached the police with the identical complaint that not only did the petitioner not paid them their salary but he threw them out of the job.

Learned counsel for the petitioner seeks a short adjournment.

Adjourned to 31.08.2015.”

Learned Deputy Advocate General, on instructions from ASI Davinder Singh has stated that as per the record available with the prosecution a sum of Rs.90,000/- is due towards security from the petitioner.

Learned counsel for the petitioner states that the petitioner would deposit this amount before the CJM, Gurgaon (to be paid to the complainants) within 15 days.

Let the petitioner appear before the Investigating Officer next week who shall release him on interim bail and thereafter let the petitioner appear before the Investigating Officer after making the deposit and on that receipt being shown the interim bail shall be confirmed. It is, however, clarified that if within the specified time the payment is not deposited the interim bail granted to the petitioner would be cancelled.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner. However, this would not impact the merits of the case.

Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

October 7, 2015

Pooja Sharma-I

**(AJAY TEWARI)
JUDGE**