

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-38329 of 2014

Date of Decision: January 9, 2015

Satish Parnami

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.A.K. Garg, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

Mr. Viney Puri, Advocate.

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M.M.S. BEDI, J. (ORAL)

Petitioner alongwith Ashok Kumar has allegedly persuaded the complainant to part with money with false promise to send him abroad. The petitioner allegedly prepared fake document in connivance with his co-accused. Ashok Kumar has been granted the concession of bail as he has compromised the matter with the complainant.

Counsel for the complainant has opposed the petition for bail filed by the petitioner alleging that the petitioner had also received the

money but he has not returned the same. In this context specific averment exist in the FIR that sum of Rs.1.23 lacs was deposited in the bank account of petitioner.

A perusal of the police file, deposit slip and the bank statement indicates that a sum of Rs.49000/-, another sum of Rs.49000/- and an additional sum of Rs.25000/- had been deposited in the account of the petitioner by the complainant

Counsel for the petitioner has submitted that his instructions are that no amount had been deposited in his account.

I have considered the facts and circumstances of this case. Ashok Kumar has been granted the concession of bail by this court today as the complainant had received the money back from said petitioner but so far as the present petition is concerned, he denied his liability of any connection with Ashok Kumar. This Court is satisfied that at least the liability of the petitioner to the extent of Rs.1.23 lacs stand established with the deposits. The petitioner appears to have taken up a false plea that he has got no connection with the complainant and that he has not received any amount. He has not falsified the circumstances of deposit of money in his account by the complainant.

The petitioner is granted concession of bail in view of above said peculiar circumstances. It is ordered that in case the arrest of the petitioner he will be released on bail to the satisfaction of the arresting officer subject to the following conditions:

- i) petitioner will furnish a bank draft for a sum of Rs.1.25 lacs in the name of the complainant which would be handed over to the investigating officer within a period of one month. The investigating officer will hand over the said bank draft to the complainant without prejudice to the rights of the parties to be settled in any civil or criminal proceedings;
- ii) he will join investigation as and when required by the police; and
- iii) he will not tamper with the evidence or hamper the investigation in any manner;

In case of violation of any of the above said conditions, this petition will be deemed to have been dismissed.

January 9 , 2015
sanjay

(M.M.S.BEDI)
JUDGE