

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

**Criminal Misc. No. M-43496 of 2014
Date of Decision:-07.9.2015**

Davinder Singh Dhillon

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. Gaurav Mohunta, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

Mr. Jasmandeep, Advocate
for the complainant.

HARI PAL VERMA J.(Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.308 dated 10.11.2014, under Sections 420 and 182 IPC, registered at Police Station Cantonment, Amritsar City.

This Court on December 19, 2014 passed the following order :-

“Petitioner is alleged to have received a sum of Rs.32 lacs for securing a job for son of the complainant.

Counsel for the petitioner relies upon a private

complaint filed by the petitioner against the complainant alleging that the complainant owed a sum of Rs.8 lacs to the petitioner and when he had gone to the complainant requesting to return the amount, he was attacked.

Counsel for the petitioner submits that the FIR is a counter blast to the private complaint.

I have heard the counsel for the petitioner. From the police proceedings, it is apparent that the petitioner has been involved in the case on the basis of statements, documentary evidence and electronic evidence which is in the shape of recording of the petitioner admitting his liability.

Counsel for the petitioner further submits that though he has been falsely implicated but in order to protect his liberty, he is ready to deposit the sum of Rs.32 lacs with the Investigating Officer subject to final decision of the rival claims of the complainant and the petitioner.

Without expression of any opinion regarding the authenticity of the allegations in the FIR or the averments of the petitioner in his private complaint, I deem it appropriate to determine from the record the material gathered against the petitionere indicating his culpability.

Notice of motion to the Advocate General, Punjab, for 6.2.2015.

Meanwhile, an interim direction is issued that the petitioner will join investigation on 3.1.2015 along with a bank draft of Rs.32 lacs in the name of Manjit Singh complainant. He will hand over the bank draft to the Investigating Officer. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.

The bank draft will not be handed over to anyone by the Investigating Officer till further orders.”

Since the validity of the draft submitted by the petitioner was expired as the same was issued on 1.1.2015, learned counsel for the petitioner, as directed by this Court on 28.5.2015 has handed over a re-validated draft to the Investigating Officer, which is in his possession. The draft has been prepared in the name of complainant-Mohan Singh.

Learned counsel for the petitioner contends that the draft amount be deposited in the form of FDR subject to outcome of the decision in the trial Court.

Learned counsel for the complainant has no objection to the aforesaid contention.

In view of the willingness of the parties, the draft amount be deposited in the form of FDR. However, the payment would be subject to the decision in the trial Court and the FDR would be based on auto-renewal. The draft would be converted into FDR within the valid time period.

Since the petitioner has already been granted interim bail by this Court, the order dated 19.12.2014 is made absolute.

However, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

The petition is disposed of.

September 07, 2015
Vijay Asija

(HARI PAL VERMA)
JUDGE