

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

CRM-M-18793-2017

Date of decision: 28.09.2017

Sudheer Yadav

.... Petitioner

versus

State of Haryana

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Gurinder Pal Singh, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

Hari Pal Verma, J.(Oral)

Prayer in this petition, filed under Section 438 Cr.PC, is for grant of anticipatory bail to the petitioner in case FIR No.141 dated 03.03.2017 under Sections 406, 418 and 420 IPC registered at Police Station Model Town, District Rewari.

On 24.05.2017, this Court has passed the following order:

“Despite the fact that the order of the Additional Sessions Judge, Rewari, states that it was acknowledged that an agreement was entered into, with the petitioner having received Rs.10,00,000/- out of Rs.10,05,000/-, learned counsel for the petitioner submits that the agreement and payment of any money is specifically being denied and further, it would be unbelievable that after payment of Rs.10,00,000/-, with only Rs.5,000/- left out of the total consideration of Rs.10,05,000/-, a time of one year would be given for execution of sale deed, without possession of the land.

Notice of motion, returnable on 31.5.2017.

In the meanwhile, upon the petitioner joining investigation, in case he is sought to be arrested, he would be released on bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate. He shall, further, abide by all the conditions stipulated in Section 438(2) Cr.P.C

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.”

Learned State counsel on instructions from ASI Mukhtiar Singh submits that the amount as referred in the FIR is required to be recovered from the petitioner and has opposed the anticipatory bail.

The only ground on which the bail of the present petitioner is opposed is recovery of amount. Considering the fact that the petitioner has joined the investigation and his culpability is yet to be established during trial, the present petition is allowed and the order dated 24.05.2017 is made absolute, however, subject to condition that the petitioner shall deposit 50% of the alleged amount as detailed in the FIR with the trial Court within a period of one month from today. The amount so deposited shall be subject to the outcome of the trial. In case, the petitioner fails to deposit the said amount, the present petition would be deemed to be dismissed.

(HARI PAL VERMA)
JUDGE

28.09.2017

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1. Whether reportable?
2. Whether speaking/Non-speaking?

Yes
Yes/No