

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

CRL. MISC. No.M-19871 OF 2017 (O&M)
DATE OF DECISION : 8th SEPTEMBER, 2017

Satish @ Sonu & another

.... Petitioners

Versus

State of Haryana & another

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Naveen S. Bhardwaj, Advocate for the petitioners.

Mrs. Tanisha Peshawaria, DAG Haryana.

Mr. Sunil Chaudhary, Advocate for the complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.113 dated 12.04.2017 registered under Sections 306 & 34 IPC at Police Station City Dadri, District Bhiwani.

Heard learned counsel for the rival parties.

There is application bearing No. CRM-28373-2017 for release of amount of ₹26,00,000/- in favour of Neelam widow of Mahender Singh since deceased.

The prosecution case at the behest of the complainant is that the deceased Mahender Singh who committed suicide since allegedly the petitioners did not pay him back the amount of investment outstanding dues. The counsel for the petitioners on 31.05.2017 took time to take

instructions regarding making of deposit of ₹26,00,000/-. Accordingly, the amount has already been deposited in the Registry of this Court. This is an application for release of the said amount in favour of wife of the deceased i.e. Neelam.

Learned counsel for the petitioner has vehemently opposed the present application for release of the amount on the ground that as yet there is no adjudication as to whether the complainant would be entitled to the said amount and therefore the amount cannot be allowed to be released in favour of the applicant-Neelam.

In my opinion, there is prima facie case made out by the complainant and the fact that Mahender Singh had allegedly lost an amount of more than ₹26,00,000/- and has taken loans, which liability would obviously trouble the family of the deceased, I think the said amount or ₹26,00,000/- should be released in favour of Neelam widow of the deceased so that she does not put in financial trouble.

However, at the same time the interest of the petitioners would have to be protected and therefore, the claimant-Neelam will have to file a solvent security with this Court for getting the said amount released to her.

In that view of the matter, I make the following order.

ORDER

- (i) CRL. MISC. No.M-19871 OF 2017 is allowed.
- (ii) Interim order dated 31.05.2017 is made absolute.
- (iii) The application CRM-28373-2017 is allowed. The amount of ₹26,00,000/- be released in favour of Neelam widow of

Mahender Singh, subject to furnishing of solvent security to the satisfaction of the Registrar (Judicial) of this Court.

8th SEPTEMBER, 2017
'raj'

(A. B. CHAUDHARI)
JUDGE

Whether speaking/reasoned:	Yes	No
Whether Reportable:	Yes	No