

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

**CRL. MISC. No.M-30655 OF 2016 (O&M)  
DATE OF DECISION : 17<sup>th</sup> APRIL, 2017**

**Sunil Kumar**

.... Petitioner

**Versus**

**State of Haryana**

.... Respondent

**CRL. MISC. No.M-4865 OF 2017 (O&M)**

**Ashish Chauhan @ Ashish Kumar**

.... Petitioner

**Versus**

**State of Haryana**

.... Respondent

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

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Present : Mr. Sanjeev Kumar Aggarwal, Advocate  
for petitioner-Sunil Kumar.

Mr. Sunil Garg, Advocate  
for petitioner-Ashish Chauhan @ Ashish Kumar.

Ms. Tanushree Gupta, DAG, Haryana.

Mr. Rahul Deswal, Advocate for the complainant.

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**A. B. CHAUDHARI, J. (ORAL)**

These two petitions are disposed of by the present common order.

The first information report was lodged by the complainant-Ravinder alleging that the petitioners Ashish Chauhan @ Ashish Kumar and Sunil Kumar had duped the complainant by obtaining an amount of ₹14,00,000/- in the account of V2 Management Services, Mumbai which was transferred by the complainant by electronic payment. The prosecution allegations are that these two petitioners i.e. Ashish Chauhan @ Ashish Kumar as well as Sunil Kumar were responsible in collecting the amount from the complainant.

The counsel for the petitioner-Sunil Kumar vehemently contended that the real beneficiary ultimately was Veer Bhan. The petition for Veer Bhan is pending before this Court which will be decided separately.

Coming back to the present case, it is seen that this Court had put a condition to both the petitioners for seeking anticipatory bail to deposit ₹7,00,000/- each in this Court. Acting on the statement that the amounts would be deposited, this Court issued ad interim order in respect of the FIR registered against them and thus both were released on interim bail.

Both the petitioners have now deposited total amount of ₹14,00,000/- i.e. ₹7,00,000/- each, which position is not disputed by counsel for the complainant.

Learned counsel for the complainant submits that it is he who is entitled to the payment of these two amounts i.e. ₹7,00,000/- each total ₹14,00,000/-. The amounts were paid by electronic payment and there will be no dispute about the passing of the amount from Ravinder to person who received in the account.

The submission is vehemently opposed by learned counsel for the petitioner-Sunil Kumar on the ground that till the trial is completed the payment cannot be made to the complainant. Not only that the counsel for the petitioner also submits that even prima facie the beneficiary is some other person namely Veer Bhan but in order to show bonafide the petitioners have deposited the amount of ₹7,00,000/- each in this Court for obtaining ad interim bail order. The petitioners have deposited the amount of ₹7,00,000/- each in this Court which does not mean that the petitioners have accepted any liability.

Having considered the submissions made by counsel for the rival parties, in my opinion, since the entire amount of ₹14,00,000/- has

now come back, there is no point in rejecting the petition for anticipatory bail filed by Ashish Chauhan @ Ashish Kumar and Sunil Kumar. Hence I confirm the interim order dated 01.09.2016 passed in CRM-30655-2016 and interim order dated 15.02.217 passed in CRM-M-4865-2017 made by this Court, granting ad interim bail to the petitioners in these two petitions.

The next question is about the interim disposal of the total amount of ₹14,00,000/-. It is not in dispute that the amount was paid by the complainant-Ravinder by electronic payment. He ought to get back the said amount. But at the same time to protect the interest of petitioners as well who have deposited the amount, it would be appropriate to ask the complainant to furnish adequate solvent security to the satisfaction of the trial Court in relation to the amount of ₹14,00,000/- for handing over the said amount. Liberty is also reserved in favour of the petitioners to seek relief before the trial Court for grant of interest at appropriate final stage when the trial will be completed and order of disposal of property would be made. The amount of ₹14,00,000/- shall be treated as case property in the custody of the complainant. The complainant shall also file an undertaking that the security furnished by him would bind his legal heir/representatives and successor in interest. The trial Court to pass necessary orders for release of the amount of ₹14,00,000/- to the complaint in the light of the directions made above.

The petition is thus disposed of with the observations as above.

**17<sup>TH</sup> APRIL, 2017**  
'raj'

**(A. B. CHAUDHARI)**  
**JUDGE**

|                            |     |     |
|----------------------------|-----|-----|
| Whether speaking/reasoned: | Yes | No  |
| Whether Reportable:        | Yes | No. |