

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

CRM-M No.46269 of 2017

Date of Decision : 05.12.2017

Raman Puri and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Harsh Bungar, Advocate
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

Notice of motion.

On asking of the Court, Mr. Tanuj Sharma, Asstt. Advocate General, Haryana accepts notice on behalf of the respondent-State. A copy of the paper-book has been supplied to him.

The challenge in this application is to the impugned order passed by the Ld. Additional Sessions Judge, Gurugram on 22nd November, 2017 (Annexure P-2) vide which anticipatory bail to the petitioners was granted subject to imposition of condition furnishing a Fixed Deposit Receipt before the Ld. Trial Court of an amount of Rs.40,25,000/-, which was 50 per cent of an actual

amount allegedly received by the applicants, although the original FIR does not mention anywhere about this figure. It is further contended that the complainant has been guilty of suppressing the fact that the Assured Committed Returns were regularly encashed by it for the period between November 2007 to March, 2014, which has been described in detail in Annexure P-5, and also the fact that possession of the concerned flat had been offered to the complainant way back in the year 2014 vide the letters dated 19th February and 29th August, 2014 (Annexure P-4 Collectively). But none of these figures have been taken note of by the Court of Ld. Additional Sessions Judge in its impugned order.

As the application under Section 438 of the Cr.P.C. is still pending, and the matter is listed before the Ld. Court below tomorrow itself, so no conclusive direction can be passed by this Court at this stage.

The matter is therefore disposed off with a direction upon the Ld. Additional Sessions Judge in seisen of the petitioners' application for anticipatory bail, to take note of the aforesaid facts referred to in this order, to verify the veracity thereof and to, thereafter, pass a final order as deemed fit and proper which may or may not include the direction for deposit of any security amount,

after the factual position in this regard is ascertained.

There shall not be any insistence on depositing of such security/Fixed Deposit Amount before final disposal of the anticipatory bail application of the petitioners.

Ordered accordingly.

December 05, 2017

**(SUDIP AHLUWALIA)
JUDGE**

Dpr

Whether speaking/reasoned: Yes/No

Whether reportable : Yes/No