

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

Crl. Misc. M- 2945-2018 (O&M)

Date of Decision: September 21, 2018

Ankit Gupta

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.C.Shahpuri, Advocate
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana

Mr. Shashi Kumar Yadav, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.1479 dated 12.12.2017, under Sections 498-A, 406, 506, 34 of the Indian Penal Code and Section 377 IPC added later on, registered at Police Station Ballabgarh, District Faridabad.

The parties were relegated to the Mediation and Conciliation Centre of this Court, however the said Mediation has failed.

Learned counsel for the petitioner contends that he is ready to settle all disputes for a sum of Rs.12 Lacs, which would include all past, present and future alimony and maintenance as well.

Learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer as well as counsel for the complainant submits that gold items are yet to be recovered, therefore, the petitioner is not entitled to grant of anticipatory bail. She further submits that recoveries of gold against verified bills itself is more than ₹7 Lacs, apart from the fact that the complainant is bringing up a minor child, who is in her custody and does not deem the figure of ₹12 Lacs appropriate. She further submits that the petitioner is evading his appearance in the trial Court on the pretext that case is pending in the High Court.

I have heard learned counsel for the parties.

There are plethora of judgments to the effect that bail should not be denied only on account of the fact that recoveries have not been made.

At this stage, learned counsel for the petitioner submits that the petitioner is ready to deposit ₹7.5 Lacs in the shape of an FD with the trial Court, in lieu of the alleged recoveries that are yet to be effected. He further undertakes that the petitioner shall put in appearance before the Court, who is seized of the matter under Section 125 Cr.P.C. on the date so fixed.

Therefore, order dated 24.01.2018 granting interim bail to the petitioner is extended limited to a period of four weeks from the date of receipt of certified copy of this order, allowing the petitioner to make an FD in the name of the complainant in lieu of the alleged recoveries, failing which the interim protection granted will stand vacated. The said FD be deposited with the Illaqa Magistrate and the said FD to be disbursed to the

complainant in case, she is successful in her allegations.

With the aforesaid directions, at this stage, without commenting on the merits of the case, the petition is allowed and order dated 24.01.2018 granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure and producing of an FD to the tune of ₹7.5 Lacs in lieu of *istridhan*.

September 21, 2018

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No