

CRM-M-28704-2017(O&M)  
Date of decision:07.02.2018

T.L.Arora

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Bikram Chaudhary, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

\*\*\*\*\*

**ARVIND SINGH SANGWAN, J. (ORAL)**

Prayer in this petition is for setting aside the order dated 27.07.2016 (Annexure P-12), passed by the trial Court, vide which, the application filed by the petitioner for the refund of the amount of Rs.5,49,160/- deposited by the petitioner in terms of the directions issued by this Court in CRM-M-28977 of 2012 vide orders dated 08.10.2012 and 29.11.2012 in FIR No. 249, dated 16.05.2007 under Sections 420, 406, 506 and 34 of IPC registered at Police Station, City Ballabagarh, District Faridabad, was dismissed.

The brief facts of the case are that petitioner – T.L.Arora and his son Rajeev @ Sanjay Arora along with one Brij Mohan Gandhi were involved in the aforesaid FIR. During the course of investigation, the petitioner filed an application for anticipatory bail, which was dismissed by the Additional Sessions Judge, Faridabad and thereafter, the petitioner filed CRM-M-28977 of 2012. Vide order dated 29.11.2012, the learned counsel appearing on behalf of the present petitioner submitted that the amount of Rs.5,49,160/- has been deposited with the trial Court and the same has been noticed by the trial Court in the order dated 22.11.2012. Thereafter, anticipatory bail application of the petitioner was allowed.

Counsel for the petitioner further submitted that during the investigation, the petitioner was found innocent and the challan was presented against co-accused Brij Mohan Gandhi and after the full length trial, he was acquitted by the trial Court vide judgment dated 12.08.2014 (Annexure P-9). It is

thus submitted on behalf of the petitioner that since the petitioner was found innocent in the investigation and the co-accused has already been acquitted, thereafter, there is no legal impediment that the amount deposited by the petitioner be not refunded to him.

Reply by way of affidavit of Assistant Commissioner of Police, Ballabgarh, Faridabad on behalf of the respondent-State has been filed and the factual positions have not been denied in para 6 of the affidavit, it is stated that the police has no objection, if the aforesaid amount is released in favour of the petitioner.

After hearing counsel for the parties and in view of the fact that the petitioner was found innocent in the investigation; co-accused-Brij Mohan Gandhi has already been acquitted by the trial Court, vide its judgment dated 12.08.2014 and also in view of the fact that no further action has been taken by the complainant in this regard, the impugned order dated 27.07.2016 (Annexure P-12) passed by the trial Court is set aside. The amount of Rs.5,49,160/- deposited by the petitioner with the trial Court/Government Treasury is ordered to be released in his favour, within a period of six weeks from today.

Disposed of.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

**07.02.2018**  
Hemlata

|                           |          |
|---------------------------|----------|
| Whether speaking/reasoned | Yes / No |
| Whether reportable        | Yes / No |