

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

(1)

Crl. Misc. M-33073 of 2017 (O&M)
Date of Decision: September 24, 2018

Ravinder Kaur and another

...Petitioners

Versus

State of Haryana and another

...Respondents

(2)

Crl. Misc. M-36305 of 2017 (O&M)

Hardeep Singh

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Verma, Advocate
for the petitioner (s).

Ms. Gaganpreet Kaur, AAG Haryana.

Mr. Surender Pal, Advocate
for complainant/respondent No.2.

JAISHREE THAKUR, J. (Oral)

By this common, this court shall decide the above captioned
two petitions that have been filed under Section 438 of Cr.P.C., for grant of

anticipatory bail to the petitioners in FIR No.58 dated 08.05.2015, under Sections 323, 406, 498-A, 120-B of the Indian Penal Code, registered at Police Station Kalka, District Panchkula as well as to set aside the orders dated 12.04.2017 and 28.10.2016 respectively whereby, they have been declared as proclaimed offender.

While issuing notice of motion, the petitioners had been directed to surrender before the trial court and move an application for setting aside the orders dated 12.04.2017 and 28.10.2016 declaring them as proclaimed offender and seek concession of bail. This court is informed that the petitioners did move the applications for setting aside the aforesaid orders as well as for concession of bail, pursuant to which, they have been released on interim bail by the court.

The parties were also directed to appear before the Mediation and Conciliation Centre of this court, however, the mediation process seems to have been unsuccessful.

Learned counsel for the respondent-State as well as complainant submit that recovery of some of the gold items amounting to ₹ 2,50,000/- is yet to be made.

On this, learned counsel for the petitioners submits that the petitioners are ready to deposit ₹ 2,50,000/- with the Illaqa Magistrate/trial court, in lieu of the alleged recovery of gold articles that are yet to be made.

I have heard learned counsel for the parties.

In view of the above, let an amount of ₹ 2,50,000/- be deposited with the Illaqa Magistrate/trial court, in lieu of the alleged recovery of the gold items within a period of four weeks and the same

would be disbursed to the complainant in case, she would be successful in her allegations.

At this stage, without commenting on the merits of the case, the petitions are allowed and the orders dated 12.04.2017 and 28.10.2016 declaring the petitioners as proclaimed offender are hereby set aside and the orders dated 07.09.2017 and 27.09.2017 granting interim bail to the petitioners are made absolute subject to the petitioners' depositing the aforesaid amount within the stipulated period and further subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

September 24, 2018
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No