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

C.R.M-M No.2326 of 2019

Date of Decision : 01.03.2019

Sanjeev Randhawa

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. B.K. Mehta, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, D.A.G., Punjab.

AJAY TEWARI, J. (Oral)

Prayer in the present petition filed under Section 438 of the Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.238 dated 03.12.2018 registered under Sections 406, 420 IPC at P.S. Kartarpur, Jalandhar.

On 31.01.2019 the following order was passed:-

“This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.238 dated 03.12.2018 registered under Sections 406/420 IPC at Police Station Kartarpur, Jalandhar.

On 21.01.2019 the following order was passed :-

“Counsel for the petitioner has argued that admittedly the petitioner had no right in the business which was being run by his father and after the death of his father various persons have now started crowding claiming that his father owed them money and it was under pressure that one

cheque was obtained by them but actually no person is ready to show him any evidence whether his father owed them money or not. As per him, the mother of the petitioner has a plot which is worth Rs.25 lakhs and she would be willing to keep this as security and within one month the petitioner can deposit a sum of Rs.10 lakhs but thereafter various claimants should be asked to substantiate their claim and if their claims are substantiated, the petitioner would be liable to make the payment.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Sr. Deputy Advocate General, Punjab accepts notice on behalf of the respondent.

Counsel for the petitioner undertakes to supply a copy of the petition to the learned Sr. D.A.G. during the course of the day.

Adjourned to 28.01.2019.

A copy of this order be given to the learned Sr. DAG under the signatures of the Bench Secretary to enable him to get the facts verified from the investigating officer by the next date."

Today learned Deputy Advocate General, Punjab on instructions from ASI Raghubir Singh states that the terms which were suggested by the counsel for the petitioner are fair and she would have no objection if the petitioner is granted the concession of anticipatory bail.

Consequently, the petitioner is directed to appear before the Investigating Officer on 07.02.2019 along with the title deeds of the plot and on so appearing and handing over the documents, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Adjourned to 21.02.2019. On that date the petitioner shall bring the fixed deposit receipt for Rs.10.00 lakhs."

Counsel for the petitioner states that the FDR is in the HSBC Bank, Maqsudan Branch, Jalandhar and the property is situated within the limits of the Municipal Corporation, Jalandhar.

Consequently, the petitioner and his mother are directed to file

undertaking/s in this Court within two weeks that they will not encash the FDR or sell the property upto 31.03.2020. The Manager of the HSBC Bank at Maqsudan Branch, Jalandhar is also directed not to encash the FDR till 31.03.2020. Likewise the Municipal Corporation, Jalandhar is also directed to make a note in the ownership register that the property owned by the mother of the petitioner cannot be sold till 31.03.2020. The restraint on alienation of the plot beyond that date would of course be subject to any orders to be passed by a competent court in this regard.

The State is directed to ensure that a copy of this order is transmitted to the Manager of the above mentioned bank and that the Municipal Corporation, Jalandhar makes a necessary entry.

Subject to the aforesaid conditions, the interim order dated 31.01.2019 is made absolute. Petition stands allowed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

March 01, 2019
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(**AJAY TEWARI**)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No