

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-7327-2019 (O&M)

Date of Order:17.07.2019

Surender Kashyap

..Petitioner

Versus

State of Haryana

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Mehak Sawhney, Advocate, for
Dr. Deipa Singh, Advocate, Advocate, for the petitioner.
Mr. Manish Bansal, DAG, Haryana.
Mr. Deepak Sharma, Advocate, for the complainant.

ANIL KSHETARPAL, J(Oral)

On 21.02.2019, following order was passed:-

“Learned counsel for the petitioner submits that the present FIR is a counter blast to the complaint dated 04.07.2018 submitted by the petitioner. Earlier the petitioner was working with E-pay company and he left the job. On the basis of false allegations, the petitioner has been implicated. No cheque was stolen by the petitioner. The petitioner, to show his bona fide, is ready to deposit an amount of Rs.4.10 lacs before this Court. He is ready to join investigation.

Notice of motion.

On asking of the Court, Mr. Rajesh K. Sheoran, Additional Advocate General, Haryana, who is present in the Court, accepts notice on behalf of respondent-State and submits that other cases are also pending against the petitioner where serious allegations of forging the documents and not depositing the amount are there .

Learned State counsel seeks a short adjournment to file reply by mentioning certain facts which are not part of this petition.

Adjourned to 10.04.2019.

Meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer subject to deposit of Rs.4.10 lacs by way of draft before the Registry of this Court till the next date of hearing. He shall join the investigation as and when required by the Arresting Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

- (i) that the petitioner shall make himself available for interrogation before investigating officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;*
- (iii) that the petitioner shall not leave India without the prior permission of the Court.*

Meanwhile, the reply be filed by the respondent-State.

Learned counsel for the State, on instructions from ASI Kulbir Singh, has submitted that the petitioner has already joined the investigation and is not required for further custodial interrogation. Learned counsel for the State has also informed that the cancellation report has been prepared, which is pending for approval from the superior authority.

Learned counsel for the petitioner has pointed out that pursuant to interim order dated 21.02.2019, passed by this Court, certain amount has been deposited by the petitioner.

Since, the police is proposing to file cancellation report, therefore, let the amount be remitted to the concerned Magistrate who would pass appropriate orders while examining the cancellation report, if any filed, in accordance with law.

In view thereof, interim order dated 21.02.2019 passed by this court is made absolute.

Accordingly, the present petition is allowed.

July 17, 2019
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No