

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

**CRM-M No.12910 of 2019 (O&M)
Date of Decision: 02.05.2019**

Babita and another

..... Petitioners

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Pardeep Goyal, Advocate for the petitioners.

Mr. Yashwinder Singh, Deputy Advocate General, Haryana
for respondent No.1/State.

Respondent No.2/complainant in person.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No.81 dated 20.02.2019, under Sections 406, 420, 120-B of the Indian Penal Code, 1860, registered at Police Station SGM Nagar (Sanjay Gandhi Memorial Nagar), District Faridabad.

This Court, on the previous date of hearing i.e. 26.03.2019, passed the following order:-

“ Contends that the petitioners are ready to refund an amount of ₹ 10,00,000/- to the complainant subject to the final out come of the FIR in question.

On oral request of learned counsel for the petitioners, complainant Neelam Rani wife of Pushkar Raj Dhingra, resident of H.No. 189, Sector 18, Faridabad is ordered to be impleaded as party respondent no.2.

Necessary amendment be made in the memo of parties.

Let notice of the petition be given to the newly added respondent no.2 for 02.05.2019.

In the meanwhile, the petitioners are directed to join the investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail till the next date of hearing on their furnishing adequate bail and surety bonds to his satisfaction. The petitioners are also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

It is also clarified that demand draft in the name of complainant-respondent no.2 for an amount of ₹ 10,00,000/- be brought in the Court on the next date of hearing. ”

In compliance of above order, two demand drafts of ₹ 5 Lakh each (total ₹ 10 Lakh) have been brought and handed over to the complainant, who is present in the Court and duly identified by I.O./SI Badan Singh. Photocopies of the said demand drafts along with PAN Card and Aadhaar Card of the complainant are taken on record.

It is contended by learned Counsel for the petitioners that in pursuance of the above order, petitioners have joined the investigation and their custodial interrogation is no longer required.

The aforesaid factual position is duly acknowledged by learned State Counsel, on instructions from I.O./SI Badan Singh.

In view of above, interim order dated 26.03.2019 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C. and the present petition stands disposed off.

It is made clear that the petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

The observations may not be considered as an expression of opinion on the merits of the case.

However, the aforesaid payment of ₹ 10 Lakh shall be subject to final outcome of FIR in question.

May 02, 2019
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes