

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM No. 30733 of 2019 in/and
CRM-M-43282 of 2018
Date of Decision: 03.10.2019**

Sonender Kumar

....Petitioner

VERSUS

State of Haryana and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

Mr. Munish Sharma, AAG Haryana.

Mr. Ankur Bansal, Advocate
for respondent no. 2.

SURINDER GUPTA, J.(Oral)

CRM No. 30733 of 2019

Application is allowed as prayed for and copy of FIR no. 611 dated 16.09.2019, registered at Police Station Surajkund, District Faridabad, is taken on record as Annexure P-2.

CRM-M-43282-2018

The present petition has been filed under Section 439 (2) Code of Criminal Procedure seeking cancellation of anticipatory bail allowed to respondent no. 2-Shri Girimon P.T., vide order dated 17.07.2018 passed in CRM-M-16813 of 2018 in case FIR No. 784 dated 14.09.2017 registered for offences punishable under Sections 406, 420 and 506 read with Section 120-B of Indian Penal Code, at Police Station Suraj Kund, District Faridabad.

Heard.

Respondent no. 2 was allowed pre-arrest bail as per order dated 17.07.2018 on the terms as follows:-

“In view of the above discussion, I am of the opinion that custodial interrogation of the petitioner is not required, which is mostly based on documentary evidence. This petition is allowed. Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on anticipatory bail, on his furnishing bonds to the satisfaction of Arresting Officer, subject to the terms as follows:-

- (i) that the petitioner shall make himself available for interrogation by the police 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 accusation against him 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;*
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.*

In case, the petitioner fails to pay the amount of ₹19,10,000/- as per the undertaking of learned counsel for the petitioner, the order allowing him anticipatory bail shall stand revoked and the Investigating Officer/Court shall be at liberty to take him in custody.”

So far as payment of ₹19,10,000/- is concerned, respondent no. 2 moved an application (CRM-28348-2018), which was disposed of vide order dated 11.09.2018, with the observations as follows:-

“A draft of ₹19,10,000/- bearing No.836851 dated 31.07.2018 drawn at Kotak Mahindra Bank, New Delhi has been handed over to learned counsel for the complainant, who submits that complainant is present in Court and he has

handed over the draft to him.

As per order dated 17.07.2018, petitioner was directed to handed over demand draft of ₹19,10,000/- within four weeks. The period of four weeks expired on 14.08.2018. The draft is of prior date, as such, there was no reason for the petitioner not to hand over the same. Hence, the date for handing over the draft is extended till today and the application stands disposed of accordingly.”

As respondent no. 2 has already made the payment in compliance of order dated 17.07.2018, I find no violation of terms of order allowing him bail. The other contention of learned counsel for the petitioner is that respondent no. 2 has put forth wrong facts while seeking extension of time to surrender before the police.

Learned State counsel submits that respondent no. 2 has joined the investigation as per order dated 17.07.2018. He, however, has reservation about non-cooperation of respondent no. 2 in supplying certain documents to investigating officer, which will be considered as and when State comes up with any application or petition to this effect.

Keeping in view above facts, I find no reason to cancel the anticipatory bail allowed to respondent no. 2 vide order dated 17.07.2018 passed in CRM-M-16813-2018.

This petition has no merit and the same is dismissed.

October 03, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No