

212

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

CRM-M-30385 of 2019

Date of decision: November 05, 2019

Sonu and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rakesh Gupta, Advocate for the petitioners.

Mr. Arun Beniwal, DAG Haryana.

Mr. Ravinder Malik, Advocate for the complainant.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to petitioners, in FIR No.139 dated 10.03.2018, under Sections 120-B, 420, 467, 468, 471, 506 of the Indian Penal Code, 1860, registered at Police Station Quilla, Panipat, District Panipat.

On 27.08.2019, this Court has passed the following order:-

“Learned Counsel for the petitioners, on instructions, submits that 50% of the alleged earnest money i.e. ₹ 14,35,000/- shall be deposited by the petitioners with the Investigating Officer within two months from today.

Let the aforesaid amount be deposited in the shape of demand draft before the Court concerned and learned trial Court is requested to put the same in fixed deposit

and that will be subject to the final outcome of the present FIR.

Adjourned to 05.11.2019 for further consideration.

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 in the present case 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 clarified that deposit of 50% amount shall not be taken as adverse to the interest of the petitioners in any manner.”

Learned counsel for the petitioners has produced a copy of the order dated 31.10.2019 passed by the learned Judicial Magistrate Ist Class, Panipat to substantiate that, in terms of aforesaid order, an amount of ₹7,17,500/- has already been deposited and the same is taken on record as mark 'X'.

The above factual position is duly acknowledged by the learned State counsel, on instructions from ASI Sant Ram. He has also stated that in terms of order dated 27.08.2019, the petitioners have joined investigation and their custodial interrogation is not required.

Learned counsel for the complainant has also affirmed the deposit of an amount of ₹7,17,500/- by the petitioners.

In view of the above, order dated 27.08.2019 granting interim bail to the petitioners, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

It is clarified that deposit of aforesaid amount shall not be considered as adverse to the interest of the petitioners and the same shall be subject to the final outcome of the criminal case.

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

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

(MAHABIR SINGH SINDHU)
JUDGE

November 05, 2019

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No