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

**CRM-M-39442 of 2019**

**Date of decision: November 21, 2019**

Kala Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

**Present:** Mr. Manjit Singh, Advocate for the petitioner.

Mr. H.S. Multani, AAG Punjab.

Mr. Manjit Singh, Advocate for respondent No.2.

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**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 petitioner, in FIR No.110 dated 07.08.2019, under Section 420 of the Indian Penal Code, 1860, registered at Police Station Nehianwala, District Bathinda.

On 04.10.2019, this Court has passed the following order:-

*“Today, during the course of hearing, learned counsel for complainant- respondent No.2 has realized that offer made by learned counsel for the petitioner on September 19, 2019 is in the interest of complainant.*

*In view of the above, let an amount of Rs.1.50 lacs in the shape of bank draft, be deposited with the learned trial Court /Illqa Magistrate within a period of two weeks from today subject to the final outcome of this petition.*

*Adjourned to 21.11.2019, for further consideration.*

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

Contentends that in terms of order dated 04.10.2019, an amount of ₹1.50 lakhs (by way of two Demand Drafts bearing No.106035 for an amount of ₹75,000/- dated 18.10.2019 and No.106034 for an amount of ₹75,000/- dated 18.10.2019 favouring respondent No.2-complainant) has already been deposited with the Court of learned trial Court. Also contends that the petitioner has also joined investigation.

The above factual position of depositing of said amount is duly acknowledged by the learned counsel for respondent No.2-complainant as well as learned State counsel, on instructions from HC Gamdoor Singh. Learned State counsel, has also acknowledged the factum of joining investigation by the petitioner and submitted that his custodial interrogation is not required.

In view of the above, order dated 04.10.2019 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

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

It is clarified that above said amount be released in favour of

respondent No.2-complainant against proper surety/receipt thereof. It is also clarified that payment of ₹1.50 lakhs to respondent No.2-complainant shall not be construed as prejudicial to the interest of the petitioner.

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

**(MAHABIR SINGH SINDHU)**  
**JUDGE**

**November 21, 2019**  
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No