

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

CRM-M-142-2020 (O&M)
Date of Decision:- 13.3.2020

Raj Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Aditya Sanghi, Advocate for the petitioner(s).

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana,
assisted by ASI Om Parkash.

Mr. Raja Sharma, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.559 dated 4.11.2019 under Sections 406/420/506/34 IPC, Section 3/4/5/6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978 and Section 3 of the Haryana Protection of Interest of Depositors in Financial Establishment Act 2013 (Haryana Act No. 32 of 2014) at Police Station City Fatehabad, District Fatehabad, Haryana.
2. On the last date of hearing the following order was passed :-

“Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that there is no evidence worth credence which connect the petitioner with the alleged scam of ₹5,30,000/-, in which the petitioner as well as another co-accused are sought to be involved.

Learned counsel for the petitioner has further submitted that while reserving his rights to challenge the FIR, his client is willing to deposit an amount of ₹1,25,000/- in order to show his *bona fide*.

The petitioner, as per his offer, may deposit an amount of ₹1,25,000/- before the Trial Court within 15 days from today. In case, any such amount is deposited, the same shall be disbursed upon conclusion of trial to the complainant in case the petitioner is found guilty and to the petitioner in case the allegations are not substantiated.

List on 13.3.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Pursuant to passing of the aforesaid order, the petitioner has already deposited an amount of ₹1,25,000/-, as has been confirmed by learned State counsel, who has sought instructions from ASI Om Parkash. It is not disputed that the total amount involved in the present case is ₹5,30,000/-, out of which the present petitioner has deposited ₹1,25,000/- while the co-accused Charan Singh has also deposited another amount of ₹1,25,000/-.
4. The petitioner has joined investigation pursuant to interim directions.
5. Although the learned State counsel assisted by counsel for the complainant has submitted that since the petitioner is involved in other identical cases and has not disclosed the particulars of the software used by the petitioner, therefore, the petitioner does not deserve the concession of bail but this

Court upon examining the facts and circumstances of the case and the fact that a total amount of ₹2,50,000/- already stands deposited in the present case out of the alleged defrauded amount of ₹5,30,000/- and also keeping in view that the petitioner has already joined investigation, his custodial interrogation is not warranted.

6. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 10.1.2020 are hereby made absolute subject to the condition that the petitioner shall continue to appear before the Investigating Officer as and when called upon to do so and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

13.3.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No