IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

206

CRM-M No. 362 of 2020
Date of decision : 23.01.2020

Sanjay .....Petitioner

Versus

State of Haryana .....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Virendra Rana, Advocate
for the petitioner.

Mr. Arjun Singh Yadav, Asst.AG Haryana
for respondent-State.

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ARUN KUMAR TYAGI,J. (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.445 dated 27.12.2018 registered under Section 406 of the Indian Penal Code, 1860 at Police Station City Gurugram, District Gurugram.

The petition has been opposed by learned State counsel. However, no reply has been filed by the State.

I have heard learned Counsel for the petitioner as well as learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that no offence is made out against the petitioner. After registration of the FIR the petitioner had filed petition bearing No. CRM-M 10941-2019 for anticipatory bail which was dismissed on the sole ground of non-deposit of Rs. 64,000/- by him in compliance with orders dated 11.03.2019 without going into merits. The only allegation against the petitioner is that he had not deposited the amount of Rs. 64,000/-. Now, the petitioner has deposited the amount of Rs. 64,000/- with interest accrued thereon totalling amount of Rs. 72960/- vide receipt dated 17.12.2019 (Annexure P-4). In view of the change in the circumstances, second petition for anticipatory bail is maintainable. The petitioner is ready to join the investigation and his custodial interrogation is not required. Therefore, he may be granted

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anticipatory bail.

Learned State Counsel has opposed the bail application and submitted that in view of criminal breach of trust the petitioner does not deserve grant of anticipatory bail and second petition for anticipatory bail is not maintainable.

In ***Kalyan Chandra Sarkar versus Rajesh Ranjan @ Pappu Yadav 2005(1) RCR (Criminal) 703***, it was held that successive bail application are maintainable if there is change in fact situation.

Keeping in view the facts and circumstances of the case, deposit of the amount in question by the petitioner and the fact that custodial interrogation of the petitioner is not necessary in the case but without commenting on merits I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Accordingly, the petition for anticipatory bail is allowed. The petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall forfeit the benefit of interim bail allowed to him.

23.01.2020 **(ARUN KUMAR TYAGI)**
Rajeev (rvs) **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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