

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.2840 of 2020

Date of Decision:28.02.2020

Pawan Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Satbir Rathore, Advocate
for the petitioner.

Ms. Mahima Yashpal, AAG, Haryana.

Mr. Ashit Malik, Advocate
for respondent No.2.

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JAISHREE THAKUR, J. (ORAL)

1. This is a petition that has been filed for grant of anticipatory bail to the petitioner in FIR No.75 dated 02.10.2019 registered under Sections 498-A, 406, 323, 313, 34 IPC at Women Police Station, Sonapat.
2. Learned counsel for the petitioner herein contends that pursuant to the previous order, he has joined investigation and therefore, prays for confirmation of the interim bail, as all recoveries have been made.
3. Learned counsel appearing on behalf of the respondent-State on instructions of IO submits that though the petitioner has joined investigation and most of recoveries have been made but some gold articles are yet to be recovered.
4. In pursuant to order dated 28.01.2018, Mr. Pradeep Chaudhary, Public Prosecutor, Sonapat is present in Court to explain the circumstances.
5. I have heard learned counsel for the parties.
6. In view of the fact that the petitioner herein has joined investigation, this Court does not deem it appropriate to order his arrest only

to recover the gold ornaments since other recoveries have been made. However, to secure interest of the complainant, the petitioner herein is directed to deposit an amount of ₹3 lakhs in fixed deposit in the name of the complainant before the trial Court within a period of two months, to be handed over to the complainant in case she is successful in proving her case. In case the proceedings under the FIR are dismissed, the amount in fixed deposit to be returned to the petitioner herein.

7. With the aforementioned observations, the instant petition is allowed granting anticipatory bail to the petitioner, subject to the conditions laid down in Section 438 (2) Cr.P.C. However, in case the amount of ₹3 lakhs is not deposited in fixed deposit as directed by this Court, the complainant/State is at liberty to have this order recalled.

(JAISHREE THAKUR)
JUDGE

February 28, 2020
Pankaj*

Whether speaking/reasoned Yes/No

Whether reportable Yes/No