

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-13915-2020 in/and
CRM-M-12137-2020(O&M)
Date of Order:06.08.2020

Rajesh Kumar

..Petitioner

Versus

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Amrita Nagpal, Advocate,
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J(Oral)

On 12.05.2020, the following order was passed:-

“The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Notice of motion.

Mr. Manish Bansal, Asst. Advocate General, Haryana puts in appearance and accepts notice on behalf of the State.

At the very onset learned counsel for the petitioner has made a statement that the petitioner who happens to be owner of firm M/s Parth Bhumi Ltd. and had been instrumental in issuance of MIS Scheme,undertakes to deposit 50% of ` 7.00 lacs alleged to have been siphoned off from the complainant, within ten days from today. The same is not objected to by the learned State counsel.

The petitioner shall deposit this amount in the office/bank account of the Registrar (General) of this Court and upon doing so the office would issue notice to the complainant who would be entitled to receive the said amount upon due identification under the rules. The petitioner shall give prior intimation of the deposit to the office of Registrar (General) of this Court as well as learned State counsel.

Adjourned to 05.06.2020 for the same.

Till then, no coercive means shall be initiated against the petitioner. However, this will not bestow upon the petitioner any right to join the investigations.”

Thereafter, on 05.06.2020, the following order was passed:-

“Learned counsel for the petitioner submits that the petitioner has made due compliance of orders of this Court dated 12.05.2020 and has deposited a sum of Rs.3,50,000/- before the office of the Registrar General of this Court. Copy of the receipt has already been placed on the record by the Registry.

Office to intimate the same to the complainant side.

List on 06.08.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail to the satisfaction of arresting/Investigating Officer. The petitioner shall, however, join the investigation within a period of 15 days from the date of receipt of the copy of this order or as and when called, for to do so and he shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.”

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Learned State counsel, on instructions from SI Ravinder, has stated that the petitioner has joined the investigation, cooperated and is not required for further custodial interrogation, at this stage.

In view thereof, the interim order dated 05.06.2020 passed by this Court is made absolute.

Accordingly, the present petition is allowed.

CRM-13915-2020

Learned counsel for the petitioner has filed an application for clarification/modification of the order dated 12.05.2020. It has further been prayed that the amount deposited by the petitioner be released to the first informant against surety, subject to the outcome of the trial.

In the considered view of this Court, it would be more appropriate, if the amount deposited with this Court i.e. Rs.3,50,000/- is remitted to the concerned Illaqa Magistrate for considering the request for

release of the same to the first informant against surety.

Hence, Registrar General of this Court, is requested to remit the amount to the concerned Illaqa Magistrate.

Application stands disposed of accordingly.

August 06, 2020
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No