

S.No.111

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

CRM-M-18073 of 2020 (O&M)

Date of Decision:09.07.2020

Shalinder Kumar @ Shelendra Kumar Sharma

.....Petitioner

Vs.

State of Punjab

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Davinder Singh Khurana, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.162 dated 14.11.2018 registered under Section 420 IPC at Police Station Makhu, District Ferozepur.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The petitioner had only introduced the complainant to one Baljinder Singh alias Bunty. The petitioner had got only Rs.2 lakhs in his account by RTGS. Even that amount was handed over to the above-said Baljinder Singh alias Bunty. In any case, the petitioner is ready to return the above-said amount of Rs.2 lakhs to the complainant. It is further submitted that the petitioner does not have any other case against him.

Notice of motion.

Mr. Randhir Singh Thind, DAG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Harnek Singh, submits that the name of the petitioner has specifically been mentioned in the case. Not only this, he had even received an amount of Rs.2 lakhs from the complainant in his personal account. Hence, the petitioner does not deserve concession of anticipatory bail.

In view of the above, the present petition is allowed, however, subject to the petitioner producing a demand draft before the Investigating Officer; for an amount of Rs.2 lakhs; in the name of the complainant; within 14 days from today. Accordingly, it is ordered that the petitioner be released on bail in case of his arrest in this case on his furnishing bonds/ sureties to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when so required by the Police. The petitioner shall also comply with the conditions as prescribed in Section 438(2) Cr.P.C.

It is further clarified that the petitioner shall be released on bail only in case he produces before the Investigating Officer, the draft as mentioned above. Still further, it is ordered that in case the petitioner produces the abovesaid draft before the Investigating Officer, then the Investigating Officer of the case shall hand over the said draft to the complainant for encashment. However, the above said payment of Rs.2 lakhs shall not affect the merits of the case during the trial.

July 09, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No