

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

**CRM-M-27659-2020 (O&M)
Date of Decision: October 26, 2020.**

SAHIL Petitioner(s)

Versus

STATE OF HARYANA Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Kapil Aggarwal, Advocate
for the petitioner.

Mr. Kirpal Singh Thakur AAG, Haryana.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 121 dated 15.07.2020, under Sections 406, 420, 506 IPC and under Section 24 of Emigration Act, Police Station Kunjpura, District Karnal.

Contentions on behalf of the petitioner, noted while issuing notice of motion on 14.09.2020, read as under:-

“It is contended that there are no specific allegations qua the present petitioner. He has been falsely implicated due to his relationship with co-accused Rahul, who is the petitioner’s brother. Rahul has been disinherited by their father. The petitioner, it is submitted, is working in the Irrigation Department and has no connection with the controversy in hand. However, in order to show his bona fides the petitioner is ready and willing to deposit a sum of Rs.50,000/-, which was allegedly deposited in his account at the instance of the petitioner’s brother.”

Learned counsel for the petitioner submits that the petitioner has since deposited the amount of Rs.50,000/- before the JMIC, Karnal, in view of his undertaking and he has thereafter joined investigation. Learned counsel for the petitioner submits that the petitioner is not involved in any other criminal case and he undertakes to cooperate in the investigation of the matter. It is thus prayed that this petition be allowed.

I have heard learned counsel for the parties.

Learned counsel for the State on instructions from ASI Salinder, verifies that the amount in question stands deposited. It is further verified that the petitioner who is not involved in any other criminal case, has joined investigation and his custodial interrogation is not required.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed. Consequently, order dated 14.09.2020 is made absolute. Needless to say, the petitioner shall comply with the conditions stipulated under Section 438(2) of Cr.P.C. The amount of Rs.50,000/- deposited by the petitioner shall be kept in an FDR, earning maximum interest and shall remain in custody of the concerned duty Magistrate/learned trial Court, subject to a specific order, which would be passed by the learned trial Court at the time of conclusion of the trial.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

October 26, 2020
Sunil

(LISA GILL)
JUDGE

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