

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

Criminal Misc.-M No.28324 of 2020
Date of Decision: November 11, 2020

Hari Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Himanshu Sharma, Advocate,
for the petitioner.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.394 dated 26.08.2020, under Sections 409, 420, 467, 468 and 471 IPC, 1860, registered at Police Station, Bilaspur, District Gurugram. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner contends that the amount of Rs.18,000/- has been deposited in compliance of the order dated 25.09.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner has submitted that in the present case allegations contained as per the FIR are that the petitioner had taken some amount from the customer and has not deposited the same in the accout. Thereafter, FIR was lodged at the instance of the final report. Learned counsel for the petitioner has further submitted that vide order dated

17.09.2020 passed by this Court he was required to pay Rs. 18,000/- to the complainant within 3 days. He has submitted that since the complainant in the present FIR was the SDO himself and he had gone to the SDO but he refused to accept the same. Learned counsel for the petitioner has also submitted that he could not clarify himself as to whether probably the amount could have been paid to the original complainant who had given complaint namely, Zile Singh or to DHBVN in this regard. Be that as it may he has submitted that he is ready to deposit the said amount in the Registry of this Court within a period of one week from today.

Notice of motion.

On asking of the Court, Mr. Naveen K.Sheoran, DAG, Haryana accepts notice on behalf of the State.

Adjourned to 11.11.2020.

Meanwhile, in the event of arrest, the petitioner is released on interim bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. However, this order is also subject to the condition that the petitioner shall deposit Rs. 18,000/- in the Registry of this High Court within in a period of one week and in case he has not deposited the same within a specified time and furnish copy of receipt to this Court then the interim order shall be deemed to have vacate automatically. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Ashok, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 25.09.2020 is made absolute.

November 11, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No