

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

206

**CRM-M No. 31756 of 2019
Date of Decision: 16.1.2020**

SANJAY GUPTA

.....Petitioner

Vs

STATE OF UT

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.Prashant Vashisth, Advocate
for the petitioner.

Mr.Rajiv Vij, Addl.P.P., U.T.Chandigarh.

RAJ MOHAN SINGH, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No. 187 dated 5.7.2019 under Sections 420/ 467/ 468/ 471/ 120-B IPC registered at Police Station North Chandigarh.

The allegation against the petitioner is in respect of fraudulent encashment of PSD amount of Rs.9,48,030/-.

Notice of motion was issued on 9.9.2019 and thereafter, learned counsel for the petitioner made a statement that the petitioner is ready and willing to deposit the disputed amount with the complainant.

On 25.9.2019, following order was passed:-

“Learned counsel for the petitioner has brought demand draft of Rs.8,34,825/- in the name of General Manager, Ordnance Cable Factory, Chandigarh, copy of which is taken on record, and submit that remaining disputed amount will be paid within four weeks. The demand draft has been handed over to Addl. P.P., U.T. Chandigarh for handing over the same to complainant.

List on 14.10.2019, the date already fixed in the main petition.

Petitioner is directed to surrender before the police and join investigation within two weeks. In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer. However, he shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall loose the benefit of interim bail allowed to him.

The petitioner will come up with draft of remaining amount on or before the next date of hearing.”

It is not in dispute that the petitioner has deposited an amount of Rs.8,34,825/- vide demand draft No.087808 dated 21.9.2019. According to the petitioner, the aforesaid amount is the only disputed amount, whereas, learned Addl. P.P., U.T, Chandigarh has disputed this fact on the ground that the total amount under PSD is Rs.9,48,030/- and out of which only Rs.8,34,825/- has been deposited and the balance amount of Rs.1,13,202/- is still to be deposited by the petitioner.

Learned Addl. P.P., U.T, Chandigarh, on instructions from ASI Ram Dhir, submits that the petitioner has joined the investigation. According to learned Addl. P.P.,U.T, Chandigarh, the investigation is still in progress and custodial interrogation of the petitioner is required for the recovery of original documents.

Learned counsel for the petitioner undertakes to deposit the additional amount of Rs.1,13,202/- vide demand draft in favour of the complainant within ten days.

The petitioner shall keep on joining the investigation as and when required to do by the Investigating Officer. The Investigating Officer would be at liberty to seek cancellation of anticipatory bail in case petitioner does not cooperate in the process of investigation.

For the reasons recorded herein above, and without

meaning anything on the merits of the case, I deem it appropriate to confirm the order dated 25.9.2019, granting interim bail to the petitioner.

This order is, however, subject to deposit of an amount of Rs.1,13,202/- within ten days, as undertaken by learned counsel for the petitioner.

Petition stands disposed of accordingly.

January 16, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

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