

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

CRM-M-43333-2020
Date of decision: 22.12.2020

Raj Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Rajiv Joshi, Advocate
for the petitioner.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 369 dated 04.11.2020, registered under Sections 406, 420, 506 and 34 of the IPC at Police Station Sadar Sirsa.

Learned counsel for the petitioner submits that as per the allegations in the FIR, complainant/respondent No. 2 Surender Kumar has transferred an amount of Rs. 2.5 Lakh in the account of petitioner for sending him abroad.

Learned counsel further submits that the petitioner had further transferred the said amount to agent Suresh Kumar and in order to settle the dispute with the complainant, the petitioner has already got prepared a demand draft of Rs. 2.5 Lakh, favouring the complainant/respondent No. 2. Photocopy of the same is taken on record as Mark 'A'.

Learned counsel for the petitioner further submits that petitioner is ready to join investigation and face trial.

Notice of motion.

Mr. Sumit Jain, Addl. A.G., Haryana and Mr. Aditya Sanghi, who are also appearing through video conferencing, accept notice on behalf of the respondent-State and complainant/respondent No. 2, respectively.

Learned counsel for the State does not dispute the factual position.

Learned counsel for the complainant submits that so far the case of the petitioner is concerned, complainant/respondent No. 2 is ready to accept the aforesaid demand draft of Rs. 2.5 Lakh, without prejudice to his right against other accused.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the aforesaid submissions of learned counsel for the parties, the present petition is allowed and the petitioner is granted concession of anticipatory bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call upon the petitioner to join investigation, if so required, by issuing him a written notice in this regard.

The petitioner is directed to hand over the original demand draft of Rs. 2.5 Lakh to the Investigating Officer within a period of seven days from today, which will further be handed over to complainant/respondent No. 2.

Payment of aforesaid amount by the petitioner shall cause no prejudice to his right of defence.

22.12.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No