

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

CRM-M-48440-2019
Date of decision: 19.02.2020

Vishal Kumar alias Vishu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Dheeraj Gupta, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Sushil Kumar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.668 dated 11.10.2019 under Section 420 IPC, registered at Police Station City Sirsa, District Sirsa.

The operative part of the order dated 15.11.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner, at the very outset, submits that the petitioner is ready to explore the possibility of some amicable settlement with the complainant and return the amount of Rs.3.30 lacs by way of demand draft.

Notice of motion.

At this stage, Mr. Sushil Kumar Verma, Advocate has appeared on behalf of the complainant and submits that passport and some other documents of the complainant are in possession of the petitioner.

List again on 19.12.2019.

In the meantime, the petitioner is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:- 1. He shall make himself available for interrogation by a police officer as and when required; 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and 3. He shall not leave India without previous permission of the Court.

The petitioner is further directed to hand over a demand draft of Rs.3.30 lacs to the Investigating Officer on or before 15.12.2019, which shall be further handed over to the complainant.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 15.11.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation. It is further submitted that the petitioner has also handed over a demand draft of Rs. 3.30 Lakh to the Investigating Officer at the time of joining investigation, which has been received by the complainant.

Learned counsel for the State, on instructions from ASI Atma Ram, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

However, learned counsel for the complainant submits that in the FIR, the complainant has detailed that passport of the complainant and sale deed pertaining to agricultural land as well as house of the paternal uncle of the complainant was given to the petitioner along with certain

blank signed paper, which have not been returned.

Be whatsoever, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 15.11.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it is made clear that petitioner will not use any document relating to the property of the complainant or his paternal uncle or his blank signed papers in any manner, failing which, it will be open for the complainant to apply for cancellation of bail.

19.02.2020
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No