

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

CRM-M-1086-2021
Date of decision: 19.03.2021

Suresh Kumar Jhamb

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Karunesh Kaushal, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Aditya Sanghi, Advocate
for respondent No. 2/complainant.

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, 34 of the IPC at Police Station Sadar Sirsa.

The operative part of the order dated 15.01.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that to show his bonafide and to explore the possibility of some settlement, the petitioner is ready to deposit an amount of Rs.2.5 lacs with the Illaqa Magistrate.

Notice of motion.

On asking of the Court, Mr. Deepak Kumar Grewal, DAG, Haryana accepts notice on behalf of the respondent-State while Mr. Aditya Sanghi, Advocate has appeared on behalf of respondent No.2.

List again on 19.03.2021.

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 will deposit the aforesaid amount with the Illaqa Magistrate on or before 01.03.2021.

It is made clear that if the petitioner failed to deposit the amount of Rs.2.5 lacs, interim protection shall stand withdrawn on the next date of hearing.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 15.01.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation. It is further submitted that the petitioner has also deposited an amount of Rs. 2.5 Lakh with the Illaqa Magistrate in pursuance to aforesaid order.

Learned counsel for the State, on instructions from the Investigating Officer, 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 respondent No. 2/complainant submits that aforesaid amount of Rs. 2.5 Lakh, deposited by the petitioner, may be given to the complainant, subject to final outcome of the case, to which, learned counsel for the petitioner has no serious objection.

In view of the above, the petition is allowed and the interim

bail granted to the petitioner, vide order dated 15.01.2021, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

The trial Court/Illaqua Magistrate is directed to release the aforesaid amount of Rs. 2.5 Lakh in favour of respondent No. 2/complainant Surender Kumar. However, this will be subject to final outcome of the case.

19.03.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No