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

**CRM-M No.5785 of 2021
Date of Decision: 25.02.2021**

JAWAHAR LAL

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

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

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

Mr. Sunil Saharan, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.522 dated 14.07.2020 registered under Sections 406 and 420 IPC at Police Station HTM Hisar, District Hisar

After completing the investigation, the Police has furnished the challan. Petitioner is in judicial custody since 12.12.2020. The FIR was lodged by Bhagwani Devi with the

allegations that the petitioner being Secretary of Haryana Cooperative N.A.T.C. Society Limited, Hisar and his wife came to the complainant and persuaded her to deposit the money in the society so as to fetch lucrative interest @ 12% to 15% along with gift every year. The complainant did not repose faith upon them at the first instance, but on the persuasion of Fateh Singh i.e. elder brother of the petitioner, the complainant agreed and started depositing her money as well as money of her disabled son Sanjay @ Surender with the society. Petitioner issued passbooks to the complainant. Complainant used to send her son Tijender for transacting money as well as for updating passbooks. When Tijender went to withdraw the money from the account, then the petitioner kept the passbooks with him and assured Tijender to return the same after making necessary entries, but he did not return the passbooks. Thereafter the complainant became suspicious. The complainant also gave details of account numbers in which the total amount of Rs.35,00,662/- was deposited and different passbooks were issued by the petitioner, which were subsequently retained by him.

Anticipatory bail of the petitioner was rejected by this Court vide order dated 03.12.2020 passed in CRM-M No.35798 of 2020. Thereafter the petitioner surrendered before the Police

and now he is in custody since 12.12.2020.

Learned counsel for the petitioner submitted that the offence is triable by the Magistrate and the petitioner is ready to deposit the entire amount with the trial Court without prejudice to his ultimate right in the present case.

The aforesaid willingness was recorded in the order dated 15.02.2021. Learned counsel for the complainant sought time to have further instructions.

Today, learned counsel for the complainant submitted that the complainant has no grievance in case regular bail is granted to the petitioner on deposit of the entire amount with the trial Court without prejudice to the rights of the parties at the end of the trial.

In view of aforesaid consensus arrived at between the parties and also keeping in view the nature of dispute which is a money dispute, I deem it appropriate to release the petitioner on regular bail on deposit of the entire amount with the trial Court and subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

The trial Court is directed to keep the amount in fixed deposit in a nationalize Bank so as to fetch maximum interest. The trial Court shall get the same renewed periodically till the

conclusion of the trial and on conclusion of the trial the entire amount shall be disbursed to the rightful claimant.

With the aforesaid direction, this petition is allowed.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 25, 2021
Atik

(RAJ MOHAN SINGH)
JUDGE

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