

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

(Heard through VC)

CRM-M-9200 of 2019 (O&M)
Date of Decision: July 14, 2021

Jagdeep Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. G.S. Kaura, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG Punjab.

Mr. Om Pal Sharma, Advocate
for respondent No.2.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in FIR No.85 dated 17.10.2018, registered under Sections 406, 498-A of Indian Penal Code at Police Station Women Cell, District Ludhiana.

On the last date of hearing, counsel for the respondent-State had submitted that entire recoveries have not been effected from the petitioner herein and there are photographs and bills available pertaining to the gold items amounting to 59 tolas of gold, but only few gold items have been recovered. On this, counsel for the petitioner had contended that most

of the gold items have been taken by the complainant while leaving the company of the petitioner and there is a CD available to reflect that. However, counsel for the petitioner had made an offer to deposit ₹ 14 lacs in the form of an FDR in the name of the complainant, which should be given to her in case she would be successful in establishing her case, failing which the same would be returned to the petitioner herein. Faced with this, counsel for the complainant had sought time to get the necessary instructions.

Today, counsel for the complainant would submit that the complainant has no objection to the offer made by the petitioner.

I have heard counsel for the parties.

There is plethora of judgments to the effect that bail should not be denied only on account of the fact that recoveries have not been made. Since the petitioner has joined the investigation and he is ready to deposit an amount of ₹ 14,00,000/- in the name of the complainant, in lieu of the alleged recovery of the remaining gold articles, therefore, the petitioner herein is directed to deposit an amount of ₹ 14,00,000/- in the name of the complainant in the shape of an FDR with some nationalized bank fetching higher interest with the trial court/Illaq Magistrate within a period of 15 days, in lieu of the alleged recovery of the gold items. It is made clear that the said amount of ₹ 14,00,000/- would be disbursed to the complainant in case, she would be successful in her allegations, otherwise it would be returned to the petitioner.

At this stage, without commenting on the merits of the case, the petition is allowed with the aforesaid directions and order dated 12.03.2019

granting interim bail to the petitioner is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i)(ii) and (iii) of the Code of Criminal Procedure.

Needless to say, in case the petitioner herein fails to comply with the aforesaid directions within the stipulated period, the instant petition shall be deemed to be dismissed and the respondent-State shall be at liberty to proceed against him in accordance with law.

July 14, 2021
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No