

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-9096-2020 (O&M)

Date of Decision:-30.6.2021

Sumir Mahendru

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vishal Nehra, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.169 dated 3.5.2018 at Police Station Sector 9-A, Gurugram, District Gurugram under Sections 420, 406 of Indian Penal Code and Sections 3/32/14 of Haryana Protection of Interest of Depositors (In Financial Establishment) Act.
2. While granting interim bail to the petitioner on 12.3.2020, the following order was passed :

“Learned counsel for the petitioner submits that as per investigation conducted in the matter it has been found that the petitioner had allegedly defrauded the complainant of an amount of ₹1.35 lakhs. Learned counsel has submitted that without prejudice to his rights to defend himself, his client is willing to deposit an amount of ₹1.35 lakhs in the Court.

In view of the aforesaid submission, the petitioner is directed to deposit an amount of ₹1.35 lakhs before the trial Court/Illaq Magistrate within a period of 15 days from today, which shall be invested in some FDR and shall be kept intact during the pendency of trial in case challan is presented against the petitioner. The proceeds of FDR shall ultimately be handed over to the complainant in case the petitioner is found guilty or to the petitioner in case he is found innocent.

List on 16.4.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C. ”

3. Learned counsel for the petitioner has submitted that pursuant to interim directions the petitioner has deposited the amount of ₹1.35 lakhs before the Trial Court and that he has already joined investigation.
4. Learned State counsel has not disputed the aforesaid factual position and has further submitted that the petitioner is not required for any custodial interrogation.
5. In view of the aforesaid submission, the present petition is accepted and the interim directions issued by this Court vide order dated 12.3.2020 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

30.6.2021

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge