

CRM-M-16115-2021 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-16115-2021 (O&M).
Date of Decision:-14.09.2021.

Ajay Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Jasneet Mehra, Advocate for the petitioner.

Mr. Karanbir Singh, AAG, Punjab.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.14 dated 04.02.2021 under Section 420 IPC, registered at Police Station Smalsar, District Moga.

On 09.04.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Case taken up through video conferencing.

Learned counsel for the petitioner states that the petitioner has not committed any offence; he is innocent, however, to show his bona fide, he is ready and willing to deposit a part amount alleged to have been paid to him and that he is ready and willing to join the investigation.

Notice of motion.

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Mr.J.S. Ghuman, DAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 27.4.2021.

The petitioner is directed to deposit a sum of Rs.4 lakhs in the form of demand draft in the Registry of this Court within a period of seven days and on his doing so, in the meanwhile in case of his arrest, the petitioner be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer, subject to his joining the investigation by contacting the Investigating Officer within such period and render all sort of co-operation. The petitioner is to surrender his passport before the Investigating Officer, if he has got one, otherwise to furnish affidavit in that regard.”

On 17.08.2021, the following order was passed:-

“Learned counsel for the petitioner submits that because of some misunderstanding they could not deposit amount of Rs.4,00,000/-. She, however, undertakes that the petitioner would deposit the same within two weeks to comply with the order of 09.04.2021 within two weeks.

It is made clear that in case the said amount is not deposited within two weeks then the present petition would be dismissed.

Adjourned to 14.09.2021.”

Learned counsel for the petitioner has submitted that the petitioner has got the original demand draft in the amount of Rs.4,80,000/-

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in the name of the Registrar, Punjab and Haryana High Court, Chandigarh dated 23.08.2021, a photocopy of the same has been annexed as Annexure P-4 along with CRM-28355-2021. Learned counsel for the petitioner has submitted that the petitioner would deposit the said original demand draft with the Registrar of this Court today itself and she has no objection in case the amount mentioned in the said demand draft is released to the complainant, namely, Jagdev Singh S/o Balwinder Singh.

Learned State counsel although has opposed the bail application but has submitted that with the deposit of Rs.4,80,000/-, the orders passed by Co-ordinate Bench of this Court would stand complied with.

Keeping in view the above-said facts and circumstances, moreso, the fact that the petitioner is ready to deposit the original demand draft in the name of the Registrar, Punjab and Haryana High Court, Chandigarh for an amount of Rs.4,80,000/- and has no objection in case the said amount is released to the above said complainant, this Court finds that the present petition deserves to be allowed.

Accordingly, the petition is allowed and interim order dated 09.04.2021 is made absolute.

Learned counsel for the petitioner undertakes to submit the original draft bearing No.238788 dated 23.08.2021 for an amount of Rs.4,80,000/- in the office of the Registrar of this Court within a period of 05 days from today and the Registrar of this Court is directed that the amount mentioned in the same be released to the complainant Jagdev Singh

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S/o Balwinder Singh on an application moved by the complainant before the Registrar of this Court.

It is however made clear that in case the said draft is not deposited within a period of 05 days from today, then the present petition would be liable to be dismissed.

Since the main case has been decided, pending criminal miscellaneous application, if any, shall stand disposed of.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the Trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

September 14, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No