

208

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

CRM-M No.32039 of 2020

Date of Decision:18.08.2021

Balbir Singh Sharma

.....Petitioner

Vs

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Sanjeev Kumar Panwar, Advocate
for the petitioner.

Mr. Rajat Gautam, DAG, Haryana.

Mr. Vinod Bhardwaj, Advocate
for the complainant.

RAJ MOHAN SINGH, J.(Oral)

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

The petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.681 dated 20.08.2020, registered under Section 420 IPC, at Police Station City Thanesar, District Kurukshetra.

Notice of motion was issued on 09.10.2020 and arrest of the petitioner was stayed. Learned counsel for the petitioner made a statement that the petitioner intended to pay the share to the complainant, arising out of the sale deed dated 14.03.2005. Vide order dated 01.04.2021 both the parties

arrived at a consensus that the petitioner would deposit an amount of Rs.3,81,000/- with the trial Court and the trial Court shall deposit the same in FDR in a Nationalized Bank so as to fetch maximum interest thereon. Successful party shall be paid the amount along with interest after final conclusion of the criminal case. Period of 4 weeks was granted to the petitioner to do the needful. In compliance of the said order, learned counsel for the petitioner has sent copy of order dated 23.04.2021 passed by Chief Judicial Magistrate Kurukshetra, showing that the amount has already been deposited by the petitioner and the said amount has further been deposited in FDR at SBI, Kurukshetra, in the name of CJM, Kurukshetra, in the same manner as was suggested in the order dated 01.04.2021. Learned counsel for the complainant has admitted the aforesaid fact.

Looking to the aforesaid circumstances, I am of the view that the petitioner has made out a case for the grant of anticipatory bail. The petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 28.08.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner 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/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

19.08.2021

Amandeep

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No