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

CRM-M-40480-2021

Date of decision : 15.12.2021

Mangat Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. H.S. Jakhal, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Kamal Narula, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.140 dated 20.08.2021 (Annexure P-1) registered under Sections 420/120-B of the Indian Penal Code, 1860 at Police Station City Fazilka, Tehsil and District Fazilka.

On 28.09.2021, this Court had passed the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.140 dated 20.08.2021 (Annexure P-1) registered under Sections 420/120-B of the Indian Penal Code, 1860 at Police Station City Fazilka, Tehsil and District Fazilka.

Learned counsel for the petitioner inter alia contends that there was no account of the complainant namely

Darshan Singh with the company and in fact, the account was of his father and the petitioner has already paid an amount of Rs.5,16,000/- to father of the complainant. She has further very fairly stated that without prejudice to the rights of the petitioner, the petitioner is ready to give a draft amounting to Rs.50,000/- to the complainant which would be produced on the next date of hearing.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 15.12.2021.

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

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 28.09.2021, demand draft amounting to Rs.50,000/-, which is in the name of the complainant, has been handed over to the counsel for the complainant today in the Court and has further submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Learned State Counsel, on instructions from ASI Kulwant Singh, has submitted that the petitioner has joined the investigation on 08.12.2021 and is not required for any further custodial interrogation.

Learned counsel for the complainant has submitted that he has

received a demand draft amounting to Rs.50,000/- which is the name of the complainant today in the Court and he would give the same to the complainant.

Keeping in view the abovesaid facts and circumstances, moreso the facts as stated in the order dated 28.09.2021 and also the fact that the petitioner has complied with order dated 28.09.2021 and has joined the investigation and is not required for further custodial interrogation and the fact that learned counsel for the petitioner has handed over the demand draft amounting to Rs.50,000/- to the counsel for the complainant and counsel for the complainant has received the same and undertakes to give the same to the complainant, the present petition is allowed and the interim order dated 28.09.2021 is ordered to be made absolute.

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

15.12.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**