

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

204

CRM-M-35878 of 2020
Date of decision:25.10.2021

Krishan Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjeev Kumar Aggarwal, Advocate
for the petitioner.

Mr. Kuldeep Tewari, Addl.A.G.Haryana.

Mr. Sandeep Berwal, Advocate
for the complainant.

SUVIR SEHGAL, J. (Oral)

While granting interim protection to the petitioner, this Court
passed the following order on 09.11.2020:-

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

*The petitioner has filed the present petition under
Section 438 of the Code of Criminal Procedure, 1973 for grant
of anticipatory bail in case FIR No.146 dated 18.09.2019
registered under Sections 406 and 420 of the Indian Penal
Code, 1860 in Police Station Dhand, District Kaithal.*

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. Complainant-Bank served legal notice dated 31.01.2019 asserting that amount of Rs.17,55,716/- has been wrongly paid to the petitioner and demanded return thereof. The petitioner vide reply dated 19.03.2019 expressed his readiness to return the amount and sought permission to repay the same in easy installments. Dispute of civil nature has been given colour of a criminal offence. The petitioner is ready to join the investigation.

In response to order dated 04.11.2020 passed by the Coordinate Bench of this Court learned Counsel for the petitioner has, on instructions from the petitioner, submitted that the petitioner will make payment of the amount of Rs.5,00,000/- to the complainant-Bank within one month; the complainant-Bank may also utilize the amount of accumulated pension of the petitioner for adjustment towards the amount due against the petitioner and the petitioner will give requisite authorization in this regard and that in the eventuality of restoration of his pension, the petitioner will pay the balance amount in installments as may be agreed to by the complainant-Bank.

In view of the facts and circumstances of the case, presence of the complainant is considered to be necessary for

just and proper decision of the petition. Therefore, complainant is ordered to be impleaded as respondent No.2. Memo of Parties be amended accordingly.

Learned State Counsel seeks time to file reply.

Adjourned to 19.01.2021.

Notice to newly added respondent No.2 be issued for that date and notice be also given dasti, if so desired.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. and also undertaking given by him through his Counsel today failing which he shall not be entitled to the protection of interim bail allowed to him.”

State Bank of India (Dhand Branch) through its Branch Manager has been impleaded as respondent No.2 and has filed an affidavit dated 24.10.2021 of Shri Narender Kumar, Branch Manager, relevant extract of which is as under:-

“That the deponent submits that the petitioner has complied with the order dated 09.11.2020 and has deposited the entire amount mentioned by this Court in the interim order dated

09.11.2020 passed in CRM-M-35878 of 2020.”

Upon instructions from SI Shiv Charan, State counsel submits that the petitioner has joined the investigation, he is no longer required for custodial interrogation and he is not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 09.11.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

October 25, 2021
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No