

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

CRM-M-41530-2021

Date of decision : 24.11.2021

Parveen Kumar Sharma

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sahil Gupta, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.31 dated 03.02.2021 registered under Sections 406, 420 IPC at Police Station Gadpuri, District Palwal, Haryana.

On 04.10.2021, this Court had passed the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.31 dated 03.02.2021 registered under Sections 406, 420 of the Indian Penal Code, 1860 at Police Station Gadpuri, District Palwal, Haryana.

Learned counsel for the petitioner inter alia contends that apart from the fact that the petitioner is not involved in the present case, the petitioner, without accepting his liability, is ready to deposit an amount of Rs.8,00,000/- before the Illaqa Magistrate in the name of

the Court.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and Mr. Vikas Sheel Verma, Advocate appears on behalf of the complainant and seek time to get instructions.

Adjourned to 24.11.2021.

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 and subject to his depositing Rs.8,00,000/- with the concerned Illaqa Magistrate in the name of the concerned Court. 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 to the said order, an amount of Rs.8,00,000/- has already been deposited and for the said purpose, reference has been made to the order dated 15.11.2021 passed by the Judicial Magistrate Ist Class, Palwal, which is taken on record as 'Mark A'. Learned counsel for the petitioner has further submitted that the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Rajesh Kumar, has submitted that the petitioner has joined the investigation on 30.10.2021.

Keeping in view the above said facts and circumstances, more so the condition which had been stipulated in the order dated 04.10.2021, and the fact that the petitioner has complied with the said order and has deposited an amount of Rs.8,00,000/- with the Court of Judicial Magistrate Ist Class, Palwal and the petitioner has joined investigation, the present petition for anticipatory bail is allowed and interim order dated 04.10.2021

is made absolute.

It would be open to the petitioner to move an application before the concerned Court to get the said amount of Rs.8,00,000/- deposited in the F.D. so that interest should accrue on the same. The ultimate disbursement of said amount of Rs.8,00,000/- along with interest, if any, would be dependent upon the final adjudication of the trial in the present FIR. In case the petitioner is convicted of the offence, then the said amount should be paid to the complainant. However, in case the petitioner is acquitted of the offence, then the amount should be returned to the petitioner.

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 petition.

(VIKAS BAHL)
JUDGE

November 24, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No