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

CRM-M No. 34791 of 2019 (O&M)
Date of Decision: 18.08.2021

Mohammad Usman

-Petitioner

Versus

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ravneet Singh Joshi, Advocate,
for the petitioner.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

Mr. Jatinder Nagpal, Advocate,
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

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

CRM-40881-2019

This is an application for impleading complainant –
Yadwinder Singh son of Bahadur Singh as party- respondent
No.2.

For the reasons mentioned in the application, the
same is allowed and the complainant – Yadwinder Singh son of
Bahadur Singh is ordered to be impleaded as party respondent
No.2.

Amended memorandum of parties is also taken on record.

Main case

Petitioner has preferred this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No.49 dated 18.04.2019 under Section 420 IPC registered at Police Station City I Malerkotla, District Sangrur.

Notice of motion was issued on 27.08.2019 by passing the following order:-

“The petitioner is seeking anticipatory bail in FIR No. 49 dated 18.04.2019, under Section 420 of the Indian Penal Code, 1860, registered at Police Station City-I, Malerkotla, District Sangrur.

Learned counsel for the petitioner contends that the allegations against the petitioner are that he had accepted an amount of `1,20,000/- from the complainant to send his son abroad. He, however, contends that the petitioner is a practising lawyer at Patiala and there is no occasion for him to have received the money, especially when the father of the complainant himself is a retired police official

and the alleged witness before whom the money is alleged to have been paid is also a retired Inspector. He also contends that the petitioner is not involved in any other case.

Issue notice to the respondent returnable on 27.09.2019.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of his arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

27.08.2019
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE”

Thereafter, the case was adjourned in order to enable the learned counsel for the petitioner to have instructions whether the petitioner was willing to deposit an amount of Rs.1,20,000/- without prejudice to his right during trial. Petitioner agreed to that effect and thereafter, last opportunity was granted to the petitioner on 09.08.2021 to honour the commitment.

Today, learned counsel for the petitioner has sent a copy of cheque in a sum of Rs.1,20,000/- in favour of the complainant to the office of learned counsel for the complainant.

Learned counsel for the complainant has admitted the factum of receiving the cheque.

In view of above, interim order dated 27.08.2019 is hereby made absolute.

However, it is clarified that in case the cheque in question is not honoured on presentation, the concession of anticipatory bail granted to the petitioner shall be deemed to be dismissed without making any reference to the Court.

The aforesaid payment is subject to without prejudice to the rights of the petitioner on culmination of trial.

However, the petitioner shall keep on joining the investigation as and when required to do so and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

August 18, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No