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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41661-2020(O&M)

Date of Decision:14.09.2021

AMIT KUMAR

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. K.S Nalwa, Advocate
for the petitioner.

Mr. Rajat Gautam DAG, Haryana.

Mr. Gourav Jain, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.508 dated 21.10.2020 registered under Sections 420, 406, 467, 468,471 and 120-B of IPC, at Police Station City Fatehabad, District Fatehabad.

On 15.12.2020, following order was passed:-

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

Learned counsel for the petitioner submits that there is a relationship of commission agent and farmer between the parties. The petitioner is a sole proprietor of M/s Dharmender and Sons. As per khata entries, an amount of Rs.44,18,282/- was the outstanding amount towards the farmer after adjustment

of his crop. The payments were made to the farmer by recognized mode of transfers. The allegations are that the petitioner has forged the consent form of the complainant for sale of crop in favour of the Govt. and withdrew the amount. Petitioner has uploaded the photocopy of the original consent form on e-portal and the original consent form was retained by the complainant. Complainant has denied the aforesaid fact and states that, in fact, the consent form has been forged by the petitioner and no original form was ever retained by him.

Concededly, after issuance of legal notice dated 28.05.2020, a civil suit dated 29.07.2020 for rendition of account and recovery of money is pending between the parties. FIR came to be registered on 21.10.2020 on the basis of a complaint dated 30.09.2020. The core issue involved in the criminal case is with regard to forgery of original consent form, the possession of which has been denied by both the parties. The allegation relates to documentary evidence.

At this stage, learned counsel for the petitioner states that the petitioner is ready to deposit a banker's cheque for the disputed amount of Rs.11,55,000/- in the Court of Illaqa Magistrate/ trial Court without prejudice to his ultimate civil rights.

In view of the statement made by learned counsel for the petitioner, let the petitioner deposit the aforesaid amount within a week. On doing so, he shall be allowed to join in the investigation to the satisfaction of the Arresting Officer. Petitioner shall cooperate with the Investigating Officer.

List again on 02.02.2021."

Evidently, the FIR in question has been registered on the basis of complaint dated 30.09.2020. Issue is with regard to alleged forgery of original consent form. Since the offence is relatable to documentary evidence, therefore, on pointed question learned counsel for the petitioner made a statement, showing the readiness to deposit the amount of Rs.11,55,000/-

in the Court of Illaqa Magistrate/trial Court by way of banker's cheque without prejudice to his ultimate right in the trial Court. The aforesaid amount was agreed to be deposited within a week and on doing so, petitioner was allowed to join the investigation to the entire satisfaction of the Arresting Officer.

It is not in dispute that the aforesaid amount stands deposited on 18.12.2020. This fact was recorded in the order dated 31.03.2021, passed by this Court.

Learned counsel for the complainant sought time to address arguments on merit. It is also not in dispute that the amount involved in the present case is Rs.11,55,000/-. However, learned counsel for the complainant submits that the petitioners is involved in one more FIR No.595 dated 18.12.2020, under Sections 420, 467, 468,471, 506 and 120-B of IPC and under Section 25 of the Arms Act, at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner submits that in the aforesaid FIR a cancellation report dated 25.06.2021 has been submitted and the petitioner is found to be innocent in that case. Since the amount of Rs.11,55,000/- has been deposited in the trial Court, therefore, the trial Court is obligated to create FDR of the said amount in a Nationalized Bank, so as to fetch maximum interest. Successful party would be entitled to receive the said amount on final conclusion of the criminal proceedings.

Learned State counsel on instructions from ASI Mahinder Singh submits that the petitioner has joined the investigation on 25.02.2021 and his presence is no more required for further investigation in the case. Recovery of laptop has already been effected from him.

In view of aforesaid factual position, the interim order dated 15.12.2020 is made absolute. Petitioner shall keep on

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

Petition stands disposed of.

14.09.2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No