

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(201)

CRM-M-51009-2021

Date of decision: - 23.12.2021

Narain Garg

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Jagmeet Singh Moudgill, 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.214 dated 24.09.2021 (Annexure P-1) registered under Sections 420, 406 and 120-B of the Indian Penal Code, 1860 at Police Station City Rajpura, District Patiala.

On 06.12.2021, this Court had passed the following order:-

“Learned counsel for the petitioner, inter-alia, contends that the petitioner is ready to pay an amount of Rs.3,00,000/- to the complainant without prejudice to his rights and without admitting his liability.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 23.12.2021.

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 is directed to bring a demand draft of Rs.3,00,000/- in the name of the complainant on the next date of hearing.

It is made clear that in case, the said demand draft is not brought on the next date of hearing, the interim relief granted to the petitioner is liable to be cancelled.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 06.12.2021, a demand draft amounting to Rs.3,00,000/-, 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 Jaspal Singh, has submitted that the petitioner has joined the investigation 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.3,00,000/- today in the Court, which is in the name of the complainant and he would give the same to him.

Keeping in view the abovesaid facts and circumstances,

moreso the facts as stated in the order dated 06.12.2021 and also the fact that the petitioner has complied with order dated 06.12.2021 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.3,00,000/- 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 06.12.2021 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.

It is clarified that the demand draft of Rs.3,00,000/- is without prejudice to the rights of the petitioner and without admitting his liability and the same shall be subject to the outcome of the trial.

December 23, 2021
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No