

201

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54361-2019

Date of Decision: 29.06.2021

Sukhpal Singh

.. Petitioner

Vs.

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. Satish Saini, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.210 dated 02.09.2019, under Sections 406/420/506 IPC, registered at Police Station Sadar Tohana, District Fatehabad. He apprehended his arrest at the hands of Police in the above said FIR.

On 19.12.2019, the following order was passed:

"It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. There has been only one transaction between the petitioner and the complainant for an amount of Rs.60,500/-. The said amount was taken as a friendly loan. The petitioner is ready to repay that amount to the complainant.

Notice of motion.

Mr. S. P. Singh, DAG, Haryana, accepts notice on behalf of the State and Mr. G. C. Shahpuri, who is present in court, put in appearance on behalf of the complainant and filed his power of attorney. The counsel for the respondents pray for adjournment to address arguments.

Adjourned to 23.04.2020.

Copy of the paper book be supplied to counsel for the respondents, during the course of the day.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal

bonds/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.

However, the petitioner shall be permitted to join the investigation and shall be released on bail only if the petitioner produce a demand draft in the name of the complainant for an amount of Rs.60,500/-. If the petitioner so brings, the draft then the same shall be handed over to the complainant for encashment.”

Learned counsel for the petitioner has stated that in deference to the above order, the draft amounting to Rs.60,500/- in the name of the complainant was given to the Investigating Officer, however, during the pendency of this petition, the complainant expired on 25.06.2020. It is pointed out that vide order dated 17.12.2020, Gurdas Singh legal heir of the complainant was impleaded as respondent No.2.

At this stage, learned counsel for respondent No.2 has pointed out that the draft submitted by the petitioner is in the name of the complainant (now deceased) and in case, the petitioner gives the draft in the name of respondent No.2 Gurdas Singh, he does not oppose the prayer of pre arrest bail.

Learned State counsel, on instructions from ASI Kapil Dev, has pointed out that the petitioner has joined the investigation and is no more required for custodial interrogation at this stage.

Considering the above, the order dated 19.12.2019 is made absolute subject to the condition that the petitioner will hand over a draft of Rs.60,500/- in the name of Gurdas Singh (respondent No.2) within a period of ten days from today.

29.06.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE