

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2884-2020 (O&M)
Date of Decision:-21.2.2022

Vipin	Versus	... Petitioner
State of Punjab and others		... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhilaksh Grover, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Nathi Ram.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0005 dated 7.1.2020 at Police Station Zirakpur, District SAS Nagar, Mohali under Sections 323, 365, 506 and 34 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Shubham Kumar, wherein it is alleged that he had taken an amount of Rs.1.5 lakhs from Vipin (petitioner) as loan and had returned the same alongwith interest by making payment of Rs.2.5 lakhs through bank transaction. It is alleged that the accused Vipin had, however, been threatening him and had been demanding

more amount by way of interest. It is alleged that on 21.12.2019 Vipin accompanied by Karan, Abhishek Natani and two unknown persons kidnapped him and took away his laptop, mobile phone and an amount of Rs.18,000/-. It is alleged that he was kept locked in a room the whole night and was also given beatings and later released on 22.12.2019.

3. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case and that infact it is a case where the complainant owed some amount to the petitioner. Learned counsel submits that, in any case, the petitioner, in order to prove his *bonafides*, is willing to deposit an amount of Rs.1 lakh before the Trial Court/Illaqa Magistrate. Learned counsel for the petitioner has further submitted that the antecedents of the complainant himself are doubtful inasmuch as he himself is accused in 7 other cases.
4. Opposing the petitioner, learned State counsel has submitted that since specific allegations have been levelled against the petitioner, no case for grant of bail is made out. Learned State counsel has, however, informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner is not involved in any other case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the nature of allegations and the fact that the petitioner, pursuant to interim directions, has already joined investigation and is not required for any custodial interrogation and is also not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 23.1.2020 are hereby made absolute, subject to

the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

7. The aforesaid directions shall, however, be subject to the condition that the petitioner, as per his offer, shall deposit an amount of Rs.1 lakh before the Trial Court/Illaq Magistrate within a period of 4 weeks from today. Upon deposit of such amount, the Trial Court/Illaq Magistrate shall get the same invested in some FDR with some Nationalized Bank with a specific direction to Manager of the bank concerned not to entertain any request for encashment of the same except under orders of the Court. Upon the petitioner being declared innocent or being acquitted and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR. However, in case the petitioner is found guilty and is convicted and such conviction attains finality, the complainant shall be entitled to proceeds of the FDR in question.

21.2.2022

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No