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

CRM-M-4943-2022

Date of decision : 07.02.2022

Dr. Ishwar Dass Gupta

...Petitioner

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Anil Raghav, Advocate for the petitioner.

Mr. Manish Dadwal, AAG, Haryana.

(Through Video Conferencing)

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**VIKAS BAHL, J. (ORAL)**

This is a petition filed under Section 482 of Cr.P.C. for setting aside the impugned order dated 06.03.2020 (Annexure P-4) as well as order dated 10.09.2020 (Annexure P-6).

Learned counsel for the petitioner has submitted that the abovesaid orders are illegal and against law inasmuch as an application filed by the present petitioner for releasing the demand draft amounting to Rs.5,00,000/- in his favour, should have been allowed as the petitioner is ready to give security for the said amount.

This Court has heard the learned counsel for the petitioner and has perused the record.

The petitioner had got FIR No.57 dated 14.10.2019 registered under Sections 420, 467, 468 and 471 of the Indian Penal Code, 1860 against respondent No.2. Respondent No.2 had filed an application for grant of anticipatory bail and the Coordinate Bench of this Court was pleased to pass the following order, in the said case:-

*“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 0057 dated 14.10.2019, registered under Sections 420, 467, 468, 471 and 120-B of the IPC at Police Station Industrial Area, Bhiwani.*

*Learned counsel for the petitioner submits that though the petitioner was not named in the FIR, however, during the disclosure statement of main accused Gaurav Soni, the name of the petitioner has surfaced wherein he has stated that he has paid a huge amount to the petitioner.*

*Learned State counsel, on instruction from ASI Jitender Singh, assisted by learned counsel for the complainant, has, however, opposed the prayer of the petitioner.*

*Learned counsel for the complainant has filed an affidavit of the complainant, in which he has relied upon an undertaking given by the petitioner on 31.10.2019, wherein it is stated that petitioner and complainant have entered into a compromise and the petitioner owe an amount of Rs. 12.5 Lakh for which, he shall be responsible.*

*Learned counsel for the petitioner further submits that to show his bona fide, the petitioner is ready to deposit an amount of Rs. 5 Lakh with the Illaqua Magistrate, at this stage, subject to final outcome of the case.*

*List again on 19.12.2019.*

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

*The petitioner is directed to deposit the amount of Rs.5 Lakh by way of a demand draft, favouring the complainant, with the Illaqua Magistrate on or before 15.12.2019, subject to final outcome of the case.”*

A perusal of the above order would show that respondent No.2 herein was directed to deposit Rs.5,00,000/- by way of a demand draft, favouring the complainant, with the Illaqa Magistrate on or before 15.12.2019, and the same was made subject to the final outcome of the case. The order dated 02.12.2019 was made absolute by the Coordinate Bench of this Court vide order dated 19.12.2019. It is not in dispute that in the present case, trial is still pending and has not been finally adjudicated. The petitioner had moved an application for release of the demand draft of Rs.5,00,000/- on 27.02.2020.

The Chief Judicial Magistrate, Bhiwani, after considering the fact that the trial is still pending and as per the order passed by the Coordinate Bench of this Court, while granting anticipatory bail to respondent No.2 had ordered that the said amount would be subject to the final outcome of the case, had dismissed the application of the present petitioner. The revision petition, which was filed by the petitioner, against the said order was also dismissed.

It is not in dispute that in the present case, the trial is still pending and the matter has not been finally decided. The order dated 02.12.2019

passed by the Coordinate Bench of this Court has specifically directed respondent No.2 to deposit the amount of Rs.5,00,000/- with the Illaqa Magistrate, which was subject to the final outcome of the case. Since the case has not been finally decided, thus, the application moved by the petitioner for release of the said amount of Rs.5,00,000/- has been rightly dismissed by both the Courts below.

Since, there is no merit in the present petition, accordingly, the same is dismissed.

**07.02.2022**

*Pawan*

**(VIKAS BAHL)  
JUDGE**

**Whether speaking/reasoned:-**

**Yes/No**

**Whether reportable:-**

**Yes/No**