

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

207

CRM-M-5939-2022

Date of decision: 25.07.2022

AZHRUDDIN

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. P.P.Chahar, DAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., wherein the petitioner seeks the indulgence of anticipatory bail.
2. In FIR bearing No.458 of 10.09.2020, registered at Police Station City Mahendergarh, District Mahendergarh, offences constituted under Sections 406, 420 IPC, are embodied.
3. The present petitioner is alleged to dupe the complainant in a sum of Rs. 35,750/- on the pretext of his ensuring despatch to him, a scooter, as became online ordered by the petitioner.
4. The above scooter never reached the complainant, and, nor the petitioner returned the above sum of Rs. 35,750/-, to the complainant, as became received, by him for the afore purposes, from the complainant.
5. However, at this stage, without going into the merits of the case, since it is submitted by the learned Counsel for the petitioner, on

instructions given to him by the petitioner, that he is ready, and, willing to deposit the above sum of Rs. 35,750/- in the establishment of the learned trial Judge concerned, as a pre condition, for his becoming admitted to pre-arrest bail, but subject to disbursement of the afore deposit, being ordered to be made subject to the outcome of the trial, as becomes entered upon by the learned trial Judge concerned.

6. Therefore, this court while accepting the above submission, and, making it a condition precedent, for the present bail petitioner being accorded the facility of pre-arrest bail, hence proceeds to allow the present petition.

4. In consequence, the order made by this Court, on 11.02.2022, is with the above condition precedent, hence made absolute, but subject to the above condition precedent being complied within two weeks by the petitioner.

5. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering his cooperation to the investigating officer, and, shall not influence the prosecution witnesses, and, also shall not tamper with the prosecution evidence.

6. The afore observations are meant only for the disposal of the present petition, and, shall not affect the merits of the trial arising from the FIR (supra).

(SURESHWAR THAKUR)

25.07.2022
kavneet singh

JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No