

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268

CRM-M-6460-2022
Decided on : 25.04.2022

Anjali Sharma

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Gourave Bhayyia, Advocate
for the petitioner.

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Ravi Kant Sharma, Advocate
for respondent No. 2.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 0062 dated 28.01.2022 under Sections 406 and 420 of the Indian Penal Code, 1860 registered at Police Station Mahesh Nagar, District Ambala Cant.

On 22.02.2022, a Coordinate Bench of this Court was pleased to pass the following order:

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner submits that the petitioner is ready and willing to amicably resolve the dispute with the complainant and to show her bonafides, she shall deposit, within fifteen days from today, Rs.6.5 lakhs before the Trial Court/Duty Magistrate, Ambala, to

be disbursed to the complainant.

Notice of motion.

Mr.Sumit Jain, Addl.A.G., Haryana accepts notice on behalf of the respondent and Mr.Ravi Kant Sharma, Advocate, puts in appearance on behalf of the complainant and pray for time to argue the matter.

Adjourned to 11.03.2022.

Only to facilitate the petitioner to make the afore deposit, the petitioner's arrest is stayed till the adjourned date.

22.02.2022

*Sd/-
(DEEPAK SIBAL)
JUDGE ”*

Then, subsequently on 11.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that there is a possibility that the present matter could be finally resolved and has made an oral request that Shyam Lal Gupta son of Sh. Alakh Ram, resident of House No.103, Rana Park, Police Station Mahesh Nagar, Ambala may kindly be impleaded as party respondent No.2 in the present case.

In view of the abovesaid oral request made by learned counsel for the petitioner, Shyam Lal Gupta son of Sh. Alakh Ram, resident of House No.103, Rana Park, Police Station Mahesh Nagar, Ambala is ordered to be impleaded as party respondent No.2. Registry is directed to carry out the necessary corrections.

Learned counsel for the petitioner has contended that in pursuance of last order dated 22.02.2022 passed by the Coordinate Bench of this Court, the petitioner has deposited an amount

of Rs.6.5 lacs before the trial Court at Ambala.

Notice of motion.

On asking of the Court, Mr. Praveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and seeks time to get instructions. Mr. Ravi Kant Sharma, Advocate appears and accepts notice on behalf of newly impleaded respondent No.2.

Adjourned to 25.04.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to her 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.”

A perusal of the above would show that the petitioner in compliance of the order dated 22.02.2022 has deposited Rs.6.5 lakhs before the trial Court/Duty Magistrate which has been disbursed to the complainant.

Learned counsel for the petitioner has submitted that the said amount has already been disbursed and the present dispute is a civil dispute between the parties .

Learned State counsel, on instructions from ASI Mahesh Kumar, has submitted that the petitioner has joined the investigation.

Learned counsel for respondent No. 2-complainant has submitted that the total amount of Rs.13 lakhs was given by the complainant and he does not dispute the fact that an amount of Rs. 6.5

lakhs has been received by the complainant.

Keeping in view the abovesaid facts and circumstances moreso, the fact that the petitioner has complied with the order dated 22.02.2022 and an amount of Rs.6.5 lakhs has been paid to the complainant and the present dispute has civil tappings and also the fact that the petitioner has joined the investigation, the present petition is allowed and the interim order dated 11.03.2022 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.

(VIKAS BAHL)
JUDGE

25.04.2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No