

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

CRM-M-8065 of 2020 (O&M)

DECIDED ON: 24th May, 2022

Shyam Sunder Mittal and another

.....PETITIONERS

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Dr. Anmol Rattan Singh Sidhu, Sr. Advocate with
Mr. Pratham Sethi, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

Mr. Abhimanyu Singh, Advocate for complainant.

AVNEESH JHINGAN, J (ORAL)

This petition is filed for grant of anticipatory bail in case of FIR
No. 49 dated 21.1.2020, under Sections 406, 420, 34 IPC, registered at Police
Station City Bhiwani, District Bhiwani.

On 25.2.2020, following order was passed:

"It is submitted by Ld. Counsel for the petitioners that his
clients are willing to deposit the amount, allegedly, invested by the
complainant in Court.

Notice of motion.

On the asking of the Court, Mr. Manish Bansal, Deputy
Advocate General, Haryana, accepts notice on behalf of the
respondent-State.

At this stage, Mr. Abhimanyu Singh, Advocate, has put in
appearance and filed his Vakalatnama on behalf of the complainant.

Ld. Counsel for the petitioners be supplied copies of the
paper book to both the counsel during the course of the day.

Adjourned to 24.03.2020.

In the meantime, petitioners shall not be arrested."

On 10.5.2022, following order was passed:

"This is a petition seeking anticipatory bail in case of FIR
No. 49 dated 21.1.2020 under Sections 406, 420, 34 IPC, registered
at Police Station City Bhiwani District Bhiwani.

On 25.2.2020, while issuing notice of motion, arrest of the petitioner was stayed.

There is a request made for an adjournment on behalf of counsel for petitioner.

Learned State counsel opposes the prayer and submits that the investigation could not proceed due to interim direction granted by this Court.

Interim order dated 25.2.2020 is modified to the extent that arrest of the petitioner is stayed subject to his joining the investigation within one week and thereafter as and when called for.

Adjourned to 24.5.2022."

Learned State counsel submits that the petitioners have joined investigation and needs to join investigation again.

Learned Senior counsel for the petitioners submits that the petitioners will continue to join investigation as and when asked for.

Mr. Abhimanyu Singh, Advocate appears for complainant and relies upon an order dated 5.2.2020 to submit that the petitioners were required to deposit the amount invested by the complainant.

Learned Senior counsel for petitioners on instructions submits that the petitioners would deposit Rs. 4,00,000/- with the trial Court within three weeks from today, subject to the outcome of the trial .

The interim order dated 10.5.2022 is made absolute subject to that petitioners will keep on joining investigation as and when called for and on deposit of Rs.4,00,000/- with the trial Court within three weeks from today. The amount deposited would be subject to the outcome of the trial and will be kept in the shape of FDRs in a nationalised bank.

In case the petitioners fail to deposit the amount within three weeks, for whatsoever reason, the interim protection granted shall stand automatically vacated, without reference to this Court.

Disposed of accordingly.

Since the main case has been decided, the pending application, if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

24th May, 2022

reema

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No