

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

206

CRM-M-10741-2022

Date of Decision: 08.08.2022

Naresh Kumar Sodhi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Vikas Gulia, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Gobind Ram.

Mr. Deepak Kundu, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.44 dated 09.02.2022 at Police Station Sector-14, District Gurugram, under Sections 420/467/468/471 IPC, wherein the allegations are broadly to the effect that the petitioner had defrauded the complainant of an amount of Rs.6 lakhs.
2. At the time of issuance of notice of motion on 14.03.2022, the following order was passed:

“Learned counsel for the petitioner submits that the FIR came to be lodged under some misunderstandings and infact an amount of Rs.1 lakh had already been paid to the complainant and that his client is willing to deposit another amount of Rs.2 lakhs before the trial Court within 2 weeks from today and another amount of Rs.3 lakhs within 8 weeks from today, in order to show his bonafides.

Notice of motion for 8.8.2022.

The petitioner, as per his offer, is directed to deposit an amount of Rs.2 lakhs before the trial Court within two weeks from today and another amount of Rs.3 lakhs within 8 weeks from today.

Upon deposit of the aforesaid amount of Rs.2 lakhs within 2 weeks from today, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

The trial Court is directed that in case the aforesaid amount is deposited, the same shall be got invested in some FDR in Nationalized Bank with a clear direction to the bank not to entertain any request for encashment, except under orders of the Court.

In case the aforesaid amount is not deposited, as per the schedule recorded above, it shall be open to the complainant to move an application for recall of the aforesaid order.”

3. Learned State counsel and also learned counsel representing the complainant have admitted the fact that pursuant to interim directions, the petitioner has deposited an amount of Rs.5 lakhs before the trial Court. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
4. Having regard to the aforestated position, wherein the petitioner has deposited an amount of Rs.5 lakhs before the trial Court and while also noticing that the petitioner is also stated to have joined investigation and is not required for any further custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated

14.03.2022 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.

5. The trial Court/Illaq Magistrate is, however, directed to get the said amount of Rs.5 lakhs invested in some FDR in some nationalized bank with the specific direction to the Bank Manager concerned not to entertain any request for encashment except an order of the Court. In case, the petitioner is found innocent and is acquitted and such acquittal attains finality, he shall be entitled to the proceeds of the FDR. However, in case he is found guilty and his conviction attains finality, it is the complainant who shall be entitled to the proceeds of such FDR.

08.08.2022

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**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**