

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

268-A

CRM-M-10542-2022
Decided on : 25.04.2022

Sunil Sharma (Sunil Kumar)

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Amit Aggarwal, DAG, Haryana.

Mr. Ravi Kant Sharma, Advocate
for the complainant.

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 11.03.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner inter alia contends that earlier, wife of the petitioner who has also been arrayed as an accused in the present FIR, had approached this Court for grant of anticipatory bail i.e. CRM-M-6460-2022 and in order to show her bona fide, she had stated that

she is ready to deposit an amount of Rs.6.5 lacs before the trial Court to be disbursed to the complainant and in pursuance of the said statement, she has already deposited an amount of Rs.6.5 lacs. It is further submitted that the said case has now been adjourned to 25.04.2022.

Learned counsel for the petitioner has submitted that the petitioner and his wife have no objection in case the said amount of Rs.6.5 lacs is released to the complainant without admitting the liability of the petitioner.

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.

Adjourned to 25.04.2022.

In the meantime, in the event of arrest, the petitioner shall 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.

To be heard alongwith CRM-M-6460-2022. ”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and the wife of the petitioner who has filed CRM-M-6460-2022 has already given Rs.6.5 lakhs to the complainant to prove her bona fide. It has further been submitted that the present dispute has civil tappings.

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

Keeping in view the abovesaid facts and circumstances moreso, the fact that the wife of the petitioner had deposited an amount of Rs.6.5 lakhs which has already been disbursed 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