

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-11685-2022
Decided on : 27.04.2022

Sukhmandeep Singh and another

. . . Petitioners

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Pushpinder Kaushal, Advocate
for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case FIR No. 49 dated 13.01.2022 under Sections 34, 406 and 420 of the Indian Penal Code, 1860 registered at Police Station Shahabad, District Kurukshetra.

On 21.03.2022, this Court was pleased to pass the following order:

“Learned counsel for the petitioner, inter alia, contends that in the present case, even as per the FIR, out of the amount of Rs.3,50,000/-, Rs.3,00,000/- has been paid into the account of accused No. 2 Sandeep Singh and it is further submitted that a complaint under Section 138 of the Negotiable Instruments Act has been filed by the complainant against petitioner No. 1 which is pending and the

complainant has got the present FIR registered with respect to the same money transaction. It is further submitted that petitioner No. 2 is the father of petitioner No. 1 and has no role to play. He has further submitted that further to show his bona fide, petitioner No. 1 is ready to deposit Rs.50,000/- before the Illaqa Magistrate, Shahabad within a period of one month from today. It is contended that the said deposit should not be taken as an admission of guilt on behalf of the petitioner and the said amount be paid alongwith the interest to the party which succeeds in the trial.

Notice of motion for 27.04.2022.

Meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim bail to the satisfaction of the Investigating Officer. The petitioner will join the investigation as and when called for and shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Petitioner No. 1 is directed to deposit the amount of Rs.50,000/- before the Illaqa Magistrate, Sahabad who is further directed to deposit the same in a Fixed Deposit account in a Nationalized Bank.”

Learned counsel for the petitioners has submitted that in pursuance of the said order, the petitioner No. 1 has deposited the amount of Rs.50,000/- before the Illaqa Magistrate, Shahabad on 20.04.2022 and has further submitted that he has no objection in case the same is released to the complainant Kamaljit without admitting his liability.

Learned State counsel, on instructions, has submitted that the petitioners have joined the investigation on 20.04.2022 and are not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 21.03.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation and also complied with the order dated 21.03.2022, the present petition is allowed and the interim order dated 21.03.2022 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.

The Illaqa Magistrate, Shahabad before whom the amount of Rs.50,000/- has been deposited, is directed to release the said amount alongwith interest, if any, in favour of the complainant. The same would not, however, be taken as an admission of guilt by the petitioner No. 1.

It is made clear, in case, the said amount of Rs.50,000/- has not been deposited by the petitioner No. 1, it would be open to the State as well as the complainant to move an application for cancellation of the present bail granted to the petitioners.

(VIKAS BAHL)
JUDGE

27.04.2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No