

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

208

CRM M-12247 of 2022 (O&M)

Date of Decision: July 28, 2022

Balwinder Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present : Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Sukhbeer Singh, Asst. A.G. Punjab.

Mr. Mandeep Singh Kaler, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

This is the petitioner under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 21 dated 11.01.2022 registered under Sections 420, 379-B, 120-B, 468, 471, 473 IPC (offence under Section 468, 471, 473 IPC added lateron) Police Station Zirakpur, District SAS Nagar.

On 24.03.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that as per version given in the FIR, the bag which was snatched from the complainant contained an amount of Rs.10,00,000/- and even as per the prosecution case, as is reflected in order dated 02.03.2022 (Annexure P-4),

out of the total amount of Rs.13,67,500/- approximately an amount of Rs.10,00,000/- has already been recovered. It is further submitted that the petitioner is ready to prepare the demand draft amounting to Rs.3,00,000/- in the name of the complainant within a period of one month and has no objection in case, the said amount is credited into the account of the complainant.

Notice of motion.

On asking of the Court, Mr. Sukhbeer Singh, AAG, Punjab accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 11.05.2022.

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.

Learned counsel for the petitioner is directed to bring the abovesaid demand draft prepared by the petitioner in the name of the complainant on the next date of hearing”.

Thereafter on 05.07.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that the petitioner has got a demand draft to the tune of Rs.50,000/- in the name of the complainant and prays for two weeks more time to get the demand draft for the

remaining amount of Rs.50,000/- prepared in the name of the complainant. The photocopy of the demand draft is taken on record as Mark-A and the original copy of the same is handed over to the Investigating Officer ASI Pawan Kumar, who is present in Court today and has stated that he would hand over the said demand draft to the complainant after taking a receipt from the complainant. It is further submitted, on instructions from the Investigating Officer, that the earlier demand draft of Rs.2,00,000/- has already been handed over to the complainant and receipt regarding the same is annexed as Annexure A- 1.

Adjourned to 28.07.2022.

The petitioner is directed to bring a demand draft to the tune of Rs.50,000/- in the name of the complainant on the next date of hearing.

Interim order to continue till the next date of hearing”.

Learned counsel for the petitioner submits that in pursuance of said order, the petitioner has got an original demand draft for a sum of Rs. 50000/- in the name of the complainant which has been handed over to the counsel for the complainant. Counsel for the complainant has stated that the said demand draft in the name of the complainant has been handed over to him and he would further give the same to the complainant.

Learned counsel for the petitioner further submits that earlier also by way of two demand drafts a sum of Rs. 2,50,000/- has

already been paid to the respondent which fact is not disputed by the learned counsel for the complainant.

Learned counsel for the State, on instructions from ASI Pawan Kumar, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders and also the fact that the petitioner has complied with the above said orders and joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 24.03.2022 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.

July 28, 2022
amit rana

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No