

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

203

CRM-M-14954-2022
Decided on : 25.05.2022

WAZIR CHHILLAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT:- Mr. Manoj Kumar Pundir, Advocate for
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Bhupinder Singh Bairagi, 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. 87 dated
10.02.2022 under Sections 406 and 420 of the Indian Penal Code, 1860
registered at Police Station Sadar Gohana, District Sonapat, Haryana.

On 08.04.2022, this Court was pleased to pass the
following order:

*“Learned counsel for the petitioner inter alia
contends that in the present case, the petitioner has been
implicated only on account of being the father of Amit
Chillar and as per the FIR, all the allegations have been
levelled against said Amit Chillar and the allegations
against the petitioner are that, when the complainant
party came to the house of the petitioner, it was the*

present petitioner who assured them that their money would be returned, which had allegedly been taken by his son. It is further submitted that even a cheque of Rs.3,75,000/- was given on account of police pressure and the petitioner has no role in the entire case. It is contended that neither the allegation under Section 406 of IPC nor under Section 420 of IPC are made out against the present petitioner and he is not involved in any other case. It is also contended that however, in order to show his bona fide, the petitioner is ready to give an amount of Rs.65,000/- to the complainant without admitting his or his son's liability with respect to the same.

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 25.05.2022.

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.

The petitioner is directed to prepare a demand draft of Rs.65,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of one month from today who shall further handover the same to the complainant.

It is made clear that in case, the demand draft of Rs.65,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of one month from today, then the interim relief granted

in favour of the petitioner would be liable to be vacated.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has prepared a demand draft dated 05.05.2022 for an amount of Rs.65,000/- in the name of the complainant and a photocopy of the said draft has been produced before this Court and the same is taken on record. It is further submitted that in pursuance of the order dated 08.04.2022, the petitioner has joined the investigation and is not required for further custodial interrogation.

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

Learned counsel appearing for the complainant has submitted that the said demand draft of Rs.65,000/- has not been received by the complainant as yet.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in the order dated 08.04.2022 passed by this Court as well as the fact that the petitioner, in compliance of the said order, has prepared a demand draft amounting to Rs.65,000/- in the name of the complainant and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 08.04.2022 passed by this Court is 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.

It would be open to the complainant to receive the said demand draft amounting to Rs.65,000/- from the Investigating Officer of the present case and in case complainant approaches, the Investigating Officer is directed to give the said demand draft to the complainant which can be encashed by him.

The payment of above said amount of Rs.65,000/-, would not be deemed to be an admission of guilt by the petitioner and the same is without prejudice to this Court.

(VIKAS BAHL)
JUDGE

25.05.2022
neelam

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No