

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17088 of 2022 (O&M)
Date of Decision: 27th May, 2022

Gurpreet Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. Parminder Singh, Advocate for the petitioner.
Ms. Dimple Jain, AAG, Haryana.
Mr. Dhruv Gupta, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

The petitioner was granted interim anticipatory bail on 20.5.2022 by passing the following order:

“Learned counsel for the applicant/petitioner seeks permission to withdraw CRM-18563 of 2022 and CRM-18569 of 2022 filed for impleading HDFC Bank as respondent No. 2 and issuance of direction to HDFC Bank to cancel the FDR.

The main petition was filed for seeking anticipatory bail in FIR No. 149 dated 25.3.2022 under Sections 406, 420 and 506 IPC, registered at Police Station Ambala City. On 27.04.2022, the petitioner offered to deposit Rs.4,00,000/- with the Chief Judicial Magistrate within two days.

During hearing of the petition, it has transpired that instead of depositing the amount, the petitioner got prepared FDR of HDFC Bank in favour of Chief Judicial Magistrate, Ambala. As per the order passed on 27.4.2022, the amount was to be deposited with the Chief Judicial Magistrate and to be kept in FDR in nationalised bank.

To resolve the situation created by negligent act

of the petitioner, let the petitioner deposit Rs.4,00,000/- with the Chief Judicial Magistrate within one week from today. After deposit, let an application be filed before the Chief Judicial Magistrate concerned along with original FDR, the Chief Judicial Magistrate may pass an appropriate order so that the petitioner gets refund of the FDR with HDFC Bank.

Adjourned to 27.5.2022.”

Learned counsel for the petitioner has produced copy of FDR of Rs.4,00,000/- in the name of Chief Judicial Magistrate, Ambala.

As per learned counsel for the State, the petitioner has joined investigation but the passport could not be recovered.

Mr. Dhruv Gupta, Advocate appearing on behalf of the complainant opposes the confirmation of anticipatory bail.

Without commenting on the merits of the case, considering that to show his *bona fide* the petitioner has deposited Rs.4,00,000/-, he joined investigation and recovery of passport itself is a disputed question, the interim anticipatory bail granted to the petitioner is made absolute.

It is clarified that the amount deposited is subject to out-come of the trial and would be kept in FDR till the decision of trial.

The petitioner had earlier deposited FDR of HDFC Bank with the Chief Judicial Magistrate.

The directions of this court was that the amount would be kept in a nationalised bank in FDR.

Learned counsel for the petitioner submits that application has been moved before Chief Judicial Magistrate for return of the earlier FDR.

There is no doubt that the application would be considered in accordance with law as expeditiously as possible.

(AVNEESH JHINGAN)
JUDGE

27th May, 2022

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Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No

