

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-19822-2021

Date of decision : 07.02.2022

Chetan Kumar Prashar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Sandeep Arora, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.53 dated 10.04.2021 registered under Section 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Division no.6, District Jalandhar.

On 10.11.2021, this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No. 53 dated 10.04.2021 registered under Sections 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Division No. 6, District Police Commissionerate Jalandhar.

Learned counsel for the petitioner has argued that the petitioner was a Marketing Advisor in the company and it was Ms. Sheetal Tandan who was the owner of the

company. It is submitted that only an amount of Rs.60,000/- had come into the account of the petitioner.

Learned State counsel, on the other hand, has stated that in fact, the petitioner during investigation has admitted that he would repay the amount of Rs.14,76,000/- in installments.

Learned counsel for the petitioner, in rebuttal, has submitted that in fact, the said statement has been signed by Ms. Sheetal Tandan also. He has however submitted that he is still ready to pay an amount of Rs. 5,00,000/- to the complainant without prejudice to his rights in the trial and without admitting his alleged liability.

In view of the statement made by learned counsel for the petitioner, the petitioner is directed to submit a draft of Rs.5,00,000/- in the name of the complainant with the Investigating Officer, within a period of four week from today.

Adjourned to 15.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to 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.”

On 15.12.2021, this Court was pleased to pass the following

order:-

“Learned counsel for the petitioner prays for one last opportunity to submit the demand draft amounting to Rs.5,00,000/- in the name of complainant, as undertaken in the order dated 10.11.2021 passed by this Court.

Adjourned to 24.01.2022.

Interim order to continue.

The petitioner is directed to bring the demand draft amounting to Rs.5,00,000/- in the name of the complainant on the next date of hearing.

It is made clear that in case, the said demand draft amounting to Rs.5,00,000/- in the name of the complainant is not produced on the next date of hearing, then the interim order would be liable to be vacated and the present petition would also be liable to be dismissed.”

Learned counsel for the petitioner has submitted that in pursuance of the above said orders, the petitioner has produced photocopies of two demand drafts amounting to Rs.3 lacs and Rs.2 lacs respectively in the name of the complainant. Photocopies of the same are taken on record. Learned counsel for the petitioner has further undertaken to give the original demand drafts to learned counsel for the complainant within a period of one week from today.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 10.11.2021 as well as in the order dated 15.12.2021 and also the fact that the petitioner has prepared the demand drafts in the name of the complainant amounting to a total of Rs.5 lacs and has further undertaken to give the original demand drafts to learned counsel for the complainant, to be further handed over to the complainant, within a period of one week from today, the present petition for anticipatory bail is allowed and the interim order dated 10.11.2021 is made absolute.

It is made clear that in case the petitioner does not hand over the demand drafts of Rs.5 lacs to learned counsel for the complainant within the stipulated period, then it would be open to learned counsel for the

Complainant as well as State to move an application for cancellation of anticipatory bail granted to the petitioner.

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 petition.

(VIKAS BAHL)
JUDGE

February 07, 2022
Davinder Kumar

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