

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CRM-M-18979-2022(O&M)

Decided on :01.06.2022

Sukhbir Singh

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Ram Karan Agnihotri, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner in FIR No.53 dated 12.03.2022 registered under Sections 380 and 457 of the Indian Penal Code, 1860 at Police Station Jathlana, District Yamuna Nagar.

On 06.05.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that there is a delay of 16 days in registration of the FIR and as per the FIR, only one person had been seen by the complainant, running out of the house and the said person was Sachin who, as per the case of the petitioner, had friendly relations with the complainant and has submitted that it is only on the basis of disclosure statement of said Sachin that the petitioner has been involved in the present case. It is further submitted that even as per the said disclosure statement, it has been stated that cash was kept by Ashish whereas, gold jewellery etc. were taken by Jassi

and the ATM Card, documents and key of motorcycle etc. were thrown in the Yamuna river. It is further contended that the petitioner is not involved in the present case and has been falsely implicated on account of enmity between the petitioner and Sachin. It is also contended that however, in order to show his bona fide, the petitioner is ready to give an amount of Rs.20,000/- to the complainant without admitting his liability. It is further submitted that coaccused of the petitioner namely Ashish Kumar, who is similarly placed as the present petitioner has already been granted the benefit of interim bail vide order dated 08.04.2022 passed in CRM-M-14998-2022 and the said case is now fixed for 17.05.2022.

Notice of motion for 17.05.2022.

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 demand draft of Rs.20,000/- 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.20,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of one month from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

To be heard alongwith CRM-M-14998-2022 ”

Subsequently on 17.05.2022, the following order was passed:-

“Learned counsel for the petitioner has submitted that a period of one month had been granted on 06.05.2022 and the same has not lapsed till the present date and thus, prays that the matter be adjourned to 01.06.2022 by which date he will get the draft of Rs.20,000/- prepared in the name of the complainant and would submit it to the Investigating Officer and would join the investigation.

Adjourned to 01.06.2022.

Interim order to continue.”

Learned counsel for the petitioner has submitted that in pursuance of the above orders, the petitioner has joined the investigation 30.05.2022 and on the said date, he has given a demand draft of Rs.20,000/- to the Investigating Officer in the name of the complainant- Sarjit Kaur.

Learned counsel for the State, on instructions from SI Subhash Chand, has submitted that the petitioner has joined the investigation on 30.05.2022 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 order dated 06.05.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 06.05.2022 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.

Pending miscellaneous applications, if any, stand disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

June 1st,2022
Mehak

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