

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

213

CRM-M-19529-2022 (O&M)

Date of Decision: 27.07.2022

Dharamvir ...Petitioner

Versus

The State of Haryana & another ...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Dhruv Gupta, Advocate,
for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Sakil.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.76, dated 11.03.2022, under Sections 406, 420 and 506 IPC, registered at Police Station Saha, District Ambala.
2. At the time of issuance of notice of motion on 09.05.2022, the following order was passed:

“Petitioner seeks grant of anticipatory bail in case FIR No.76, dated 11.03.2022, under Sections 406, 420 and 506 IPC, registered at Police Station Saha, District Ambala.

The allegations against the petitioner are that he had received an amount of Rs.2,25,000/- on 22.05.2019 on the promise that he would send the complainant Jitender Singh to Canada. However, neither the complainant was sent to Canada nor the amount was returned to him.

Learned counsel for the petitioner submits that there is possibility of settlement of the dispute between the parties. He states that to

show his bonafide, he is willing to deposit an amount of Rs.1,00,000/- in the Court of learned Chief Judicial Magistrate, Ambala.

The petitioner may do so on or before the next date of hearing.

On the oral request of the learned counsel for the petitioner, the complainant is impleaded as respondent no.2. Learned counsel may file amended memo of parties within one week. On his doing so, let notice be issued to respondent No.2 for 27.07.2022.

Mr. R.K. Singla, DAG, Haryana, accepts notice on behalf of respondent no.1-State.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

3. Learned counsel for the petitioner has submitted that the FIR came to be lodged under some misunderstanding and that in any case he is willing to amicably resolve the matter and in order to prove his bonafides, he had already deposited an amount of Rs.1 lakh before the trial Court/Chief Judicial Magistrate, Ambala. Learned counsel has today passed on a copy of the receipt acknowledging deposit of Rs.1 lakh.
4. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. It has also been informed that the petitioner otherwise happens to be involved in 5 more cases, which fact has been disputed by the learned counsel for the petitioner, who submits that the petitioner is involved in 3 other cases.

5. Having regard to the fact that the matter pertains to allegations of cheating of an amount of Rs.2.5 lakhs out of which the petitioner had already deposited an amount of Rs.1 lakh before the trial Court/Chief Judicial Magistrate, Ambala to prove his bonafides and while also bearing in mind that the petitioner has already joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 09.05.2022 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. The trial Court/Illaqa Magistrate/Chief Judicial Magistrate, Ambala to get the aforesaid amount of Rs.1 lakh deposited by the petitioner invested in FDR in some Nationalized Bank and shall also issue specific directions to the Bank concerned not to entertain any request for encashment of the same except under orders of the Court. In case, the petitioner is ultimately found guilty and convicted and such conviction attains finality, the complainant shall be entitled to proceeds of said FDR. However, in case the accused/petitioner is found innocent and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR along with interest.

27.07.2022

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(GURVINDER SINGH GILL)
JUDGEWhether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**