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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21940-2021 (O&M)
Date of Decision: 19.01.2022

Davinder Kumar

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

Mr. Rau P.S. Girwar, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in a case FIR No.64 dated 27.04.2021 under Sections 420/409 IPC (Sections 465/466/467/468/471 IPC added later on vide DDR No.35 dated 23.05.2021), registered at Police Station Jaito, District Faridkot. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 16.06.2021 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

Instant petition has been filed under Section 438 Cr.PC for grant of concession of anticipatory bail to the petitioner in FIR No.64 Dated 27.04.2021 under Sections 420, 409 IPC (Sections 465, 466, 467, 468, 471 Vide DDR No.35 dated 23.05.2021 added later on) registered at Police Station Jaitu District Faridkot.

Learned counsel for the petitioner submits that an amount of Rs.1,99,000/- already stands deposited in the account of the complainant in Adarsh Credit Cooperative Society Ltd. and the remaining amount out of Rs.4,54,000/- allegedly taken by the petitioner from the complainant on the pretext of investing in some schemes of the post office, would be deposited by him very shortly.

Notice of motion for 09.09.2021.

Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.PC.

It is however, made clear that in case the petitioner fails to deposit the remaining sum of money out of Rs.4,54,000/-, the interim protection granted to him shall stand withdrawn on the next date of hearing.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer. Learned counsel submits that a demand draft of Rs.2,55,000/- in the name of the complainant i.e. Adarsh Credit Cooperative Society Ltd. has been handed over to the Investigating Officer.

Learned State counsel who is assisted by ASI Gurdeep Singh does not dispute this fact that the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 16.06.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

19.01.2022
Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No