

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

202

CRM-M-21292-2022

Decided on :13.07.2022

Amit Kumar @ Banti

. . . Petitioner

Versus

State of Haryana

. . . Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

PRESENT: Mr. Namit Khurana, Advocate  
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

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**VIKAS BAHL, J. (Oral)**

This is a petition for grant of anticipatory bail to the petitioner in FIR No. 51 dated 11.02.2022 registered under Sections 384, 389, 506 and 120-B of the Indian Penal Code, 1860 registered at Police Station City Kaithal, District Kaithal.

On 18.05.2022, this Court was pleased to pass the following order:-

*“Learned counsel for the petitioner inter alia contends that in the present case, there is no phone conversation between the petitioner and the complainant and the petitioner is a Class-IV employee working in the Irrigation Department. It is further submitted that although, the petitioner is not admitting his liability but in order to show his bona fide, he is ready to pay an amount of Rs.1,00,000/- to the complainant and would get the demand draft amounting to Rs.1,00,000/- prepared in the name of the complainant on the next date of hearing.*

*Notice of motion for 13.07.2022.*

*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 get the demand draft amounting to Rs.1,00,000/- prepared in the name of the complainant on the next date of hearing.*

*It is made clear that in case, the demand draft amounting to Rs.1,00,000/- prepared in the name of the complainant is not produced on the next date of hearing, then the interim order granted would be liable to be vacated. ”*

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, the petitioner has got a demand draft to the tune of Rs.1,00,000/- in the name of complainant and since, the complainant has not appeared in the Court, would handover the said demand draft within a period of 5 days from today. It is further submitted that the petitioner has joined the investigation.

Learned counsel for the State, on instructions from ASI Gurdan Singh, has submitted that the petitioner has joined the investigation on 11.06.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 18.05.2022 and also the fact that the petitioner has joined the investigation and the demand draft to the tune of Rs.1,00,000/- has been prepared in the name of the complainant, the present petition is allowed and the interim order dated 18.05.2022 is ordered to be made absolute.

The petitioner is directed to handover the said demand draft to the Investigating Officer within a period of one week from today and the Investigating Officer is directed to handover the same within a period of two weeks thereafter to the complainant with a receipt from the complainant.

It is further made clear that in case, the said demand draft is not handed over by the petitioner to the Investigating Officer within the aforesaid period, the present petition would be deemed to have been dismissed.

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.

(VIKAS BAHL)  
JUDGE

July 13<sup>th</sup>,2022  
*Mehak*

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