

210

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

CRM-M-22976-2022

Date of decision : 12.10.2022

Bal Kishan Sharma and another

...Petitioners

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Mohan Singh Chauhan, Advocate for the petitioners.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. S.S. Jattan, Advocate for respondent No.2.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.145 dated 23.04.2022 registered under Sections 420, 406, 467, 468, 471 and 506 of the Indian Penal Code, 1860 at Police Station Barara, District Ambala.

On 25.05.2022, this Court had passed the following order:-

“Learned counsel for the petitioners inter alia contends that in the present case, compromise has been effected between the parties, as per which, the petitioner had to give an amount of Rs.8,00,000/- to respondent No.2-Rohit Kumar and the petitioner is ready to pay an amount of Rs.4,00,000/- within a period of 15 days from today and another sum of Rs.4,00,000/- within a period of three months from today.

Notice of motion for 05.07.2022

In the meantime, in the event of arrest, the petitioners

shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners 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 petitioners are directed to get demand draft amounting to Rs.4,00,000/- prepared in the name of the complainant on the next date of hearing. The petitioners would also pay another amount of Rs.4,00,000/- within a period of three months from today.

It is made clear that in case, demand draft amounting to Rs.4,00,000/- 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.”

Thereafter, on 05.07.2022, the following order was passed:-

“Learned counsel for the petitioners has handed over demand draft amounting to Rs.4,00,000/- prepared in the name of complainant to counsel for respondent No.2 today in the Court. He has further submitted that three months' more time be granted to the petitioners to pay the balance amount of Rs.4,00,000/-.

Learned counsel for respondent No.2 has submitted that he has received the abovestated demand draft.

Adjourned to 12.10.2022.

The petitioners are directed to prepare the demand draft amounting to Rs.4,00,000/- in the name of the complainant and bring the same on the next date of hearing.

Interim order to continue.”

Learned counsel for the petitioners has handed over the demand draft amounting to Rs.4 lacs prepared in the name of complainant to the

counsel appearing on behalf of complainant and learned counsel for the complainant has affirmed the said fact and has stated that he would handed over the said demand draft to the complainant.

Learned counsel for the petitioners has submitted that in pursuance of the abovesaid orders dated 25.05.2022 and 05.07.2022, the petitioners have joined the investigation.

Learned counsel for the State, on instructions from Sub Inspector Amit Kumar, has submitted that the petitioners have joined the investigation and are not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid orders dated 25.05.2022 and 05.07.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation and the fact that the petitioners have complied with the abovesaid orders, the present petition is allowed and the interim order dated 25.05.2022 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.

12.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No