

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-23064-2022
Date of decision : 12.09.2022

Rishabh Dogra

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.M.K.Dogra, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.49 dated 08.04.2022 registered under Section 420 IPC at Police Station City Batala, Police District Batala.

On 06.06.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“CRM-20533-2022

This is an application filed under Section 482 Cr.P.C. for impleading the complainant i.e. Vipul Goyal s/o Naresh Goyal, r/o Kothi No. 11, Konal Avenue, near Hazira Park, Batala, District Gurdaspur, as respondent No.2 in the array of respondents.

In view of the averments made in the application, same is allowed and the complainant, as mentioned in the head note of the application, is hereby impleaded as respondent No.2 in the array of respondents.

Amended memo of parties filed along with the application are taken on record.

CRM-M-23064-2022

By way of present petition, the petitioner is seeking grant of

anticipatory bail, in case FIR No. 49, dated 08.04.2022, under Section 420 of IPC, registered at Police Station City Batala, Police District Batala, Distt. Gurdaspur (Annexure P-1).

Learned counsel for the petitioner submits that the petitioner is willing to clear the remaining amount of money due towards the complainant.

Notice of motion for 12.09.2022.

On the asking of the Court, Mr. Luvinder Sofat, AAG, Punjab, accepts notice on behalf of the State.

Let a copy of the complete paper book be supplied to the learned State counsel during the course of the day.

In view of the submissions made by learned counsel for the petitioner, the petitioner would pay a sum of Rs.1,00,000/- to the complainant within a period of one week from today and the remaining amount would be cleared on or before the next date of hearing.

Meanwhile, petitioner is directed to join 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.P.C.

06.06.2022

**(MANJARI NEHRU KAUL)
JUDGE”**

Learned counsel for the petitioner has submitted that the petitioner has already paid an amount of Rs.12,38,000/- in all, which includes the amount of Rs.1 lac, which has been paid within the time period as directed in the order dated 06.06.2022 and the balance amount as per him, is Rs.2,61,000/- and he is ready to pay the said amount also, within a period of one month from today. It is further submitted that the petitioner has joined the investigation.

Notice was issued to respondent no.2, who is the complainant, and as per the report of Registry, service is complete, however, no one has appeared on behalf of the complainant despite calling the case twice.

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

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 06.06.2022 and the fact that the petitioner, in compliance of the order dated 06.06.2022, has paid an amount of Rs.1 lac in addition to the amount which had already been paid by him and is further willing to pay Rs.2,61,000/- which, as per him, is the balance amount left to be paid, the present petition is allowed and the interim order dated 06.06.2022 is made absolute.

The petitioner is directed to prepare a demand draft of Rs.2,61,000/- in the name of the complainant and to hand over the same to the Investigating Officer within a period of one month from today and the Investigating Officer is directed to hand over the same to the complainant after taking a receipt from the complainant.

It is made clear that in case the demand draft of the said amount is not handed over to the Investigating Officer within a period one month from today, then it would be open to the complainant and State to move an application for cancellation of anticipatory bail granted to the petitioner.

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 petition.

(VIKAS BAHL)
JUDGE

September 12, 2022

Davinder Kumar