

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-26385-2022
Date of decision : 21.07.2022

Shivraj

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Himmat Singh Deol, Advocate
for the petitioner.

Mr.Anmol Malik, DAG, Haryana.

Mr.Deepender Singh, Advocate
for the complainant.

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.136 dated 22.03.2022 registered under Sections 420, 406, 467, 468, 471, 120-B IPC at Police Station Sadar Tauru, District Nuh.

On 28.06.2022, this Court was pleased to pass the following order:-

“Inter alia contends that even at the time when the regular bail application of the wife of the petitioner namely, Manju was being considered, an objection was raised by learned State counsel as well as learned counsel for the complainant that a total amount of Rs.12,20,490/- had been deposited into the account of wife of the petitioner out of which, Rs.4,30,000/- had been allegedly deposited by her husband i.e. the present petitioner and the balance amount of Rs.7,90,490/- had allegedly been paid by customers of the complainant-firm into the said account. It is submitted that without admitting liability of the petitioner, the

petitioner, in order to show his bona fide, is ready to pay an amount of Rs. 1,67,000/- each to Ashok Vasudev, Pawan Gupta and Sunil Jindal, who are the complainants in the present case and are partners in Aggarwal filling station. It is contended that custodial interrogation of the petitioner in the present case, is, at any rate, not required since the entire case is based on documentary evidence.

Notice of motion for 21.07.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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 prepare demand drafts to the tune of Rs.1,67,000/- each, in the name of Ashok Vasudev, Pawan Gupta and Sunil Jindal and produce the same on the next date of hearing.

The said demand drafts would be handed over to the learned counsel for the complainant, who is present in the Court today and the said counsel would further deliver the same to the said 3 complainants.

It is clarified that the payment of the said amount would not be deemed to be an admission of guilt or liability of the petitioner with respect to the present transaction.

It is made clear that in case the demand drafts of the said amount in the name of the 3 complainants are not produced on the next date of hearing then the interim order granted in favour of the petitioner would be liable to be vacated.

28.06.2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, he has got three demand drafts each of Rs.1,67,000/- in the name of Ashok Vasudev, Pawan Gupta and Sunil Jindal and has handed over the same to the learned counsel for the complainant and learned counsel for the complainant has affirmed the fact that the original demand drafts have been handed over to him and he will hand over

the same to the above said three persons. It is further submitted that the petitioner has joined the investigation.

Learned State counsel 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 28.06.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 28.06.2022 is made absolute.

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

July 21, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No