

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-27642-2022

Date of decision : 18.08.2022

Varun Arora

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Parminder Singh, Advocate
for the petitioner.

Mr.Praveen Bhadu, AAG, Haryana.

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.81 dated 16.02.2021 registered under Sections 406, 420, 506 IPC and Section 24 of the Immigration Act, 1983 at Police Station Civil Lines, Karnal, District Karnal.

On 29.06.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case the complainant has earlier filed a complaint under Sections 138, 142 and 143 of the Negotiable Instruments Act, 1881 (in short “N.I. Act”) on 12.02.2021 in which allegations have been made that the present petitioner had requested the complainant to lend an amount of Rs.7 lacs in May 2019 and since the complainant had paid the said amount, in order to discharge the said liability, the petitioner had given two cheques of total amount of Rs.7 lacs and subsequently the present FIR was registered on 16.02.2021 by the complainant by making averments which were contrary to the averments made in the complaint under Section 138 of the N.I. Act. Learned counsel for the petitioner has submitted that in order to

show his bonafide and without admitting his liability, the petitioner is ready to pay Rs.2 lacs to the complainant Himanshu within a period of 15 days from today.

Notice of motion.

On advance notice, Mr.Pradeep Prakash Chahar, DAG, Haryana, appears and accepts notice on behalf of the respondent-State.

Adjourned to 18.08.2022.

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 a demand draft of an amount of Rs.2 lacs in the name of the complainant Himanshu and hand over the same to the Investigating Officer within a period of 15 days from today and the Investigating Officer is directed to hand over the same to the complainant after taking 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 15 days from today, then the interim order granted is liable to be vacated. The payment of Rs.2 lacs to the complainant would be not construed as an admission of guilt by the petitioner.

June 29, 2022. ”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and has handed over a demand draft of Rs.2 lacs in the name of the complainant to the Investigating Officer.

Learned State counsel, on instructions of SI Ram Avtar, has submitted that the petitioner has joined investigation and has reaffirmed the fact that the demand draft has been received.

Keeping in view the above said facts and circumstances

and also the fact that the petitioner has joined the investigation and has handed over the demand draft of Rs.2 lacs in the name of the complainant to the Investigating Officer, the present petition is allowed and the interim order dated 29.06.2022 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

August 18, 2022
Davinder Kumar

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