

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28136-2022 (O&M)

Date of Decision:-22.11.2022

Tushar @ Sonu and another

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vikram Singh, Advocate for the petitioners.

Mr. Rahul Mohan, DAG, Haryana,
assisted by ASI Jaipal.

Mr. Rajat Singh, Advocate for
Mr. Sudhir Rana, Advocate for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners seek grant of anticipatory bail in respect of a case registered vide FIR No.532 dated 11.6.2022, Police Station City Karnal, District Karnal, under Sections 323, 34, 384 and 506 of Indian Penal Code.
2. At the time of issuance of notice of motion, the following order was passed on 5.7.2022:

“The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.532 dated 11.6.2022, Police Station City Karnal, District Karnal, under Sections 323, 34, 384 and 506 of Indian Penal Code.

The FIR was lodged at the instance of Mahesh, wherein it is alleged that he alongwith his children Aman and Sonu earned their livelihood by selling fruits and vegetables on a ‘rehri’ in Old

Vegetable Market, Karnal. It is alleged that Kimti Lal and his sons Chekri and Sonu had been recovering an amount of Rs.200/- per '*rehri*' from him as well as from his children and from other '*rehri*' owners since the last several years. It is alleged that when the complainant refused to pay the amount, the aforesaid persons gave beatings to him. Pursuant to lodging of the FIR, the police commenced investigation and during the course of investigation, the police claims that the accused had forced the '*rehri*' owners to pay an amount of Rs.200/- per day, totaling about Rs.72,000/- during the last one year.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and that there is no MLR to suggest that any injury had been inflicted to the complainant or to anybody else. Learned counsel has further submitted that the petitioners, in any case, in order to show their *bonafides* are willing to deposit an amount of Rs.1 lakh before the Trial Court.

Notice of motion for 22.11.2022.

At this stage, Mr. Sudhir Rana, Advocate has put in appearance on behalf of the complainant and has filed memorandum of appearance, which is taken on record. Power of attorney be filed on or before the next date of hearing.

Having regard to the facts and circumstances of the case, it is ordered that meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The aforesaid directions shall, however, be subject to the condition that the petitioners, as per their offer, shall deposit an amount of Rs.1 lakh before the Trial Court/Illaq Magistrate within a period

of 15 days from today. Upon deposit of such amount, the Trial Court/Illaqa Magistrate shall get the same invested in some FDR with some Nationalized Bank with a specific direction to Manager of the bank concerned not to entertain any request for encashment of the same except under orders of the Court. Upon the petitioners being declared innocent or being acquitted and such acquittal attains finality, the petitioners shall be entitled to proceeds of the said FDR. However, in case the petitioners are found guilty and is convicted and such conviction attains finality, the complainant shall be entitled to proceeds of the FDR in question.”

3. Learned counsel for the petitioners submits that in compliance of order dated 5.7.2022 an amount of Rs.1 lakh has been deposited before the Trial Court.
4. Learned State counsel, upon instructions from ASI Jaipal, has informed that pursuant to interim directions, the petitioners have since joined investigation and they are not required for any custodial interrogation. It has also been informed that the petitioners are not involved in any other case.
5. Having regard to the aforestated position, wherein the petitioners are stated to have joined investigation and are not required for any custodial interrogation and they are not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 5.7.2022 are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

22.11.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No