

201

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

CRM-M-29249-2022

Date of decision : 29.08.2022

Sarabjit Singh Gill

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.3 dated 06.05.2022 registered under Sections 420, 506 of the Indian Penal Code, 1860 at Police Station NRI, District Gurdaspur.

On 12.07.2022, this Court had passed the following order:-

“Inter alia contends that no amount has been deposited in the account of the present petitioner and the petitioner is a social worker and has a good reputation in the society and the real victims as per the FIR, are either the father or the brother of the complainant and not the complainant and at any rate, the dispute has civil trappings. It is further submitted that without admitting his liability, the petitioner is ready to deposit an amount of Rs.2 lacs

before the Illaqa Magistrate within a period of 15 days from today and has no objection in case the said amount is released to the complainant by the Illaqa Magistrate.

Notice of motion.

On advance notice, Mr.R.S.Khaira, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 29.08.2022.

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 deposit an amount of Rs.2 lacs before the Illaqa Magistrate within a period of 15 days from today and the Illaqa Magistrate is directed to release the said amount to the complainant after issuing notice to the complainant. It is made clear that in case the said amount is not deposited within the aforesaid period, then the interim order granted in favour of the petitioner would be liable to be vacated. The deposit of said amount would be not construed as an admission of guilt by the petitioner.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 12.07.2022, the petitioner has deposited an amount of Rs.2 lacs with the Court and has produced on record a photocopy of receipt bearing No.2700697 dated 27.07.2022 today in the Court regarding the same which is taken on record and is marked as Mark “A”. It is further submitted that the petitioner has no objection, in case, the said amount is released in favour of the complainant.

Learned counsel for the State has submitted that as per his instructions, an amount of Rs.2 lacs has been deposited with the Court and the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 12.07.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation as well as the fact that he has complied with the order dated 12.07.2022 passed by this Court, the present petition is allowed and the interim order dated 12.07.2022 is ordered to be made absolute.

The trial Court is directed to release the said amount of Rs.2 lacs in favour of the complainant after issuing notice to the complainant.

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.

29.08.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**