

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

CRM-M-30468-2020 (O&M)
Date of Decision:-7.4.2022

Prempal	Versus	... Petitioner
State of Haryana		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by SI Anil.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.328 dated 18.7.2019, Police Station Rajendera Park, Gurugram, District Gurugram under Sections 34, 419, 420 of Indian Penal Code, wherein offences under Sections 467, 468 and 471 of Indian Penal Code were added later on.
2. In the present case, notice of motion was issued on 30.9.2020 and the petitioner was also granted interim bail. Later the following order came to be passed on 1.4.2021:

“During the course of argument, the learned counsel for the petitioner submitted that the entire disputed amount, the insurance

claim amount of Rs.2,50,000/- was initially credited to the bank account of the complainant-Syndicate Bank and was later on transferred to the bank account of the petitioner-Oriental Bank of commerce.

It has been submitted that although the petitioner admits that the amount of Rs.2,50,000/- was deposited in his bank account on 05.07.2017, but the said amount was thereafter transferred to M/s. Tata Capital Financial Service Ltd. for repayment of the outstanding loan amount as raised for purchase of car by the deceased, i.e. husband of the complainant and son of the petitioner.

It has further been submitted that subsequently the car in question stands transferred to the name of the complainant and in these circumstances, it cannot be said that the petitioner has siphoned off the amount of Rs.2,50,000/-.

Learned State counsel, however, requested for a short adjournment to verify the aforesaid facts.

In view of the aforesaid request, the matter is adjourned to 20.08.2021.

Interim direction to continue.”

3. Learned counsel for the petitioner submitted that pursuant to directions issued on 1.4.2021, his client has deposited an amount of Rs.1.5 lakhs before the Trial Court, which has been invested in FDR. Learned counsel for the petitioner has furnished a photocopy of bank draft of Rs.1.5 lakhs, which is taken on record.
4. Learned State counsel, upon instructions from SI Anil, has informed that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation.
5. Having regard to the totality of facts and circumstances and without commenting anything as regards merits of the case and while noticing that

the petitioner has already joined investigation and is not required for any custodial interrogation and is not even stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 30.9.2020 are hereby made absolute, subject to the condition that the petitioner 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.

6. It is clarified that in case the petitioner is declared innocent or is acquitted and such acquittal attains finality, the petitioner shall be entitled to proceeds of the said FDR. However, in case the petitioner is found guilty and is convicted and such conviction attains finality, the complainant shall be entitled to proceeds of the FDR in question.

7.4.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No