

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

CRM-M-34147-2022

Date of Decision: 07.09.2022

Vijay Garg

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajan Bansal, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

Mr. Sunny Singla, Advocate,
for the complainant.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 0106 dated 24.03.2022, under Sections 406/420/120-B of the IPC, registered at Police Station Dera Bassi, District SAS Nagar.

On 04.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, the primary allegations have been levelled against the son of the petitioner and the petitioner is stated to be an attesting witness of the agreement executed between the complainant and son of the petitioner namely Girish Garg. It is further submitted that the petitioner is a 71 year old man and is not involved in any other case and

the present FIR has been registered after a delay of 7 years from the date of submitting complaint dated 16.03.2015. It is contended that the petitioner, in order to show his bona fide, is ready to give an amount of Rs.2,00,000/- to the complainant without admitting his liability.

Notice of motion for 07.09.2022.

In the meantime, in the event of arrest, the petitioner shall 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 draft of Rs.2,00,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of four weeks from today, who shall further handover the same to the complainant.

It is made clear that in case, the demand draft of Rs.2,00,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of four weeks from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.2,00,000/- would not be construed as an admission of guilt by the petitioner.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation and has handed over a demand draft of the amount of Rs. 2,00,000/- to the

investigating officer.

Learned State counsel has submitted that the petitioner has joined the investigation and is not required for further investigation and a draft for an amount of Rs. 2,00,000/- has been handed over by the investigating officer to the complainant.

Learned counsel for the complainant has submitted that the said amount of Rs. 2,00,000/- by way of demand draft has been handed over to the complainant.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 04.08.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 04.08.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final 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.

September 07, 2022
nitin

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No