

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-35276-2022
Date of decision : 29.09.2022

Vijender Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Ravinder Malik, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr. DAG, Punjab.

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.0022 dated 27.01.2022 registered under Sections 406, 420, 120-B IPC at Police Station Dhakoli, District Mohali.

On 09.08.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, the complainant-bank has already initiated the proceedings before the Debt Recovery Tribunal against the present petitioner and further no criminal offence is made out against the petitioner, inasmuch as, even in case, the hypothecated goods were disposed off, the same would still not constitute any offence as the ownership or possession of the said hypothecated goods was never transferred in favour of the said bank and it was the present petitioner who is the owner of the same. It is further submitted that the petitioner has filed petition under Section 482 of Cr.P.C. for quashing of the FIR and a Coordinate Bench of this Court vide order dated 17.03.2020 passed in CRM-M-11158-2020 was pleased to issue notice of

motion in the same. It is contended that the petitioner in order to show his bona fide, is ready to deposit an amount of Rs.1,00,000/- with the complainant-bank, without admitting his liability.

Notice of motion for 29.09.2022.

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 deposit an amount of Rs.1,00,000/- with the complainant-Bank within a period of six weeks from today. It is made clear that in case, the said amount of Rs.1,00,000/- is not deposited with the complainant-Bank within the aforesaid period, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The deposit of an amount of Rs.1,00,000/- would not be construed as an admission of guilt by the petitioner.

09.08.2022 **(VIKAS BAHL)**
JUDGE”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and has deposited an amount of Rs.1 lac with the State Bank of India and has handed over a photocopy of the draft dated 23.09.2022 regarding the said amount and the same has been taken on record and has been marked as Mark A.

Learned State counsel, on instructions from ASI Dharam Pal, has submitted that the petitioner has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 09.08.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the

interim order dated 09.08.2022 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

September 29, 2022
Davinder Kumar

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