

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-35470-2022

Date of decision: - 05.12.2022

Amanpreet Singh

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Gourav Goel, Advocate,
for the petitioner.

Mr. Vishal Malik, AAG, Haryana.

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 case FIR No.130 dated 02.05.2022, under Sections 406, 420 and 506 IPC, at Police Station Nighdu Karnal, District Karnal.

On 22.08.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that in the present case, dispute is primarily of civil nature and the combine in question is now in the possession of co-accused Imrit Lal. It is further submitted that in order to show his bona fide, is ready to give an amount of Rs.1,00,000/- within a period of three weeks from today to the complainant-Baru Ram, without admitting his liability.

Notice of motion for 27.09.2022.

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.1,00,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of three weeks from today, who shall further handover the same to the complainant after taking receipt from him.

It is made clear that in case, the demand draft of Rs.1,00,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of three 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.1,00,000/- would not be construed as an admission of guilt by the petitioner.

22.08.2022”

On 18.10.2022, this Court was pleased to pass the following order:-

“Learned State counsel has submitted that the petitioner has not joined the investigation on 29.09.2022. The petitioner is again directed to join investigation on 28.10.2022 at 11:00 AM.

Adjourned to 05.12.2022.

Interim order to continue.

October 18, 2022.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, a demand draft of Rs.1,00,000/- in the name of the complainant has been given to the Investigating Officer and the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Nirmal Singh, has submitted that although the demand draft of Rs.1,00,000/- given by the petitioner as ordered vide order dated 22.08.2022, has been

received by the Investigating Officer and the petitioner has joined investigation but the petitioner has not disclosed the name of the person to whom he had sold the combine in question.

Learned counsel for the petitioner, in rebuttal, has submitted that in the FIR itself it has been mentioned that the same has been sold to co-accused Imrat Lal in the present case.

Keeping in view the abovesaid facts and circumstances more so, the facts which have been noticed in abovesaid order dated 22.08.2022 and also the fact that the petitioner has joined the investigation and had also handed over the demand draft to the Investigating Officer, the present petition is allowed and the interim order dated 22.08.2022 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.

December 05, 2022

Davinder Kumar/sunena

**(VIKAS BAHL)
JUDGE**

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No