

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-39683-2022

Decided on : 19.12.2022

Kamal Sahota @ Kamalpreet Singh

. . . Petitioner

Versus

State of Haryana and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Manav Parteek Sharma, Advocate for
Mr. Simrajit Singh, Advocate
for the petitioner.

Mr. Vishal Malik, DAG, Haryana

Mr. Parveen Sharma, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioner in case FIR No. 301 dated
10.06.2021 under Sections 420, 406, 120-B IPC and Sections 24 of the
Emigration Act registered at Police Station Sector 32-33, Karnal, District
Karnal.

On 06.09.2022, a Coordinate Bench of this Court was
pleased to pass the following order:-

*“Prayer in this petition, filed under Section 438 of the
Code of Criminal Procedure, 1973, is for grant of anticipatory
bail to the petitioner, who has been booked for having
committed the offences punishable under Sections 420, 406 and
120-B IPC and Section 24 of the Immigration Act, in a case
arising out of FIR No. 301, dated 10.06.2021, registered at
Police Station Sector 32-33, Karnal, District Karnal.*

Learned counsel for the petitioner submits that as per

allegations in the FIR, petitioner alongwith other co-accused have received total amount of Rs. 6,35,000/- from the complainant in the year 2017 and 2018.

At the very outset, learned counsel submits that to show his bonafide, the petitioner is ready to deposit sum of Rs. 3,00,000/- in the shape of Fixed Deposit Receipt (FDR) before the Court of learned Area Magistrate and same would be subject to final outcome of present FIR.

Notice of motion.

On asking of the Court, Mr. Vikas Bhardwaj, Assistant Advocate General, Haryana, who is present in the Court, accepts notice on behalf of the respondent-State.

Adjourned to 11.11.2022.

In the meanwhile, petitioner is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of his arrest, the petitioner shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the conditions laid down under Section 438(2), Cr.PC.

It is made clear that in terms of aforementioned undertaking given by learned counsel for the petitioner, this order shall come into effect only after deposit of Rs.3,00,000/- in the shape of FDR with the learned Area Magistrate and said FDR would not be got encashed till final outcome of the FIR in question.

Petitioner is also directed to take necessary steps to implead the complainant as party respondent in the present petition.

*September 06, 2022
Pkapoor*

*(SANJAY VASHISTH)
JUDGE”*

Subsequently on 11.11.2022, a Coordinate Bench of this Court had passed the following order:-

“As per office report, notices could not be issued as the process fee has not been filed.

Let the concerned SHO inform respondent No.2 about the next date of hearing. Order dated 06.09.2022 be complied within 15 days from today and in any case, not later than the next date. Petitioner is directed to join investigation within five days and after that, as and when called upon to do so.

List on 19.12.2022.

Interim order to continue, subject to compliance to the order dated 06.09.2022.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders, the petitioner has deposited the amount of Rs.3,00,000/- in the shape of FDR before the learned Area Magistrate and has also joined the investigation.

Learned counsel for the State has reiterated the said facts and further submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Learned counsel for the complainant has submitted that there is some more amount also due from the present petitioner.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 06.09.2022 and also the fact that in compliance with the said order, the petitioner has deposited the amount of Rs.3,00,000/- in the shape of FDR before the learned Area Magistrate and has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 06.09.2022

is ordered to be made absolute.

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.

19.12.2022

Mehak

(VIKAS BAHL)

JUDGE

Whether reasoned/speaking?

Whether reportable?

Yes/No

Yes/No