

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

201

**CRM-M-43151-2021
Date of decision: 01.08.2022**

VIRENDER KUMAR ALIAS VIRENDER SINGH

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Sanpreet Sandhu, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The petitioner has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No. 47 dated 03.04.2021 registered under Sections 420, 406 and 506 of the Indian Penal Code, 1860 and under Section 10 of the Immigration Act, 1924 at Police Station Sadar Jagadhari, District Yamuna Nagar.
2. Learned counsel appearing on behalf of the petitioner contends that pursuant to the order dated 13.10.2021 passed by this Court, he has joined the investigation on multiple occasions, however, the Investigating Officer is asking for a sum of Rs. 50,000/- to show recovery to be deposited by the petitioner.
3. Resultantly, the learned counsel appearing on behalf of the respondent-State, on instructions from Sub Inspector Subhash Chander, submits that the petitioner is required for the purpose of investigation. Learned counsel for the petitioner contends that even as per the allegation, the amount in question had been received in the Account

and as such, the pendency of recovery is being used solely to delay the present petition, since the transaction can be duly established from the Account statement. He further submits that the petitioner had already given explanation with respect to receiving of the aforesaid amount of Rs. 2,00,000/- and that he was assisting one **Rajat Suren**. Out of the aforesaid amount of Rs. 2,00,000/-, an amount of Rs. 1,60,000/- has already been remitted to Rajat Suren and that remaining amount of Rs. 40,000/- was towards salary of the petitioner.

4. The aforesaid aspect is a matter of defence. It is not in dispute that the petitioner has joined investigation and that the state insists that the recovery in question is to be effected even though they admits that the transaction of the amount was through the Account of the petitioner.

5. Without commenting any further on the merit regarding the necessity of effecting recovery in a case where the transaction is through an account for proving of the offence, the present petition is allowed and the interim order dated 13.10.2021 is made absolute.

6. However, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438 (2) Cr.P.C.

(VINOD S. BHARDWAJ)
JUDGE

AUGUST 01, 2022

Vishal sharma

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