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

CRM-M-42287-2022

Date of decision : 29.10.2022

Rakesh Goyal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Bijender Singh Dhankhar, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.536 dated 24.08.2018 registered under Sections 420 and 406 of the Indian Penal Code, 1860 at Police Station City Bhiwani, District Bhiwani.

On 15.09.2022, this Court had passed the following order:-

“Inter alia contends that the petitioner is ready to settle the matter and in order to show his bonafide and without admitting his liability, the petitioner is ready to pay Rs.5 lacs to the complainant within a period of two weeks from today. It is submitted that the FIR has been registered in the present case after a period of 3 years and two enquiries were held which had concluded in favour of the petitioner earlier.

Notice of motion for 13.10.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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 a demand draft of an amount of Rs.5 lacs in the name of the complainant and hand over the same to the Investigating Officer within a period of two weeks from today and the Investigating Officer is directed to hand over the same to the complainant after taking receipt from the complainant.

It is made clear that in case the demand draft of the said amount is not handed over to the Investigating Officer within a period two weeks from today, then the interim order granted is liable to be vacated.

The payment of Rs.5 lacs to the complainant would be not construed as an admission of guilt by the petitioner.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 15.09.2022, the petitioner has joined the investigation and has also handed over the demand draft amounting to Rs.5 lacs to the concerned Investigating Officer.

Learned counsel for the State, on instructions from SI Satish, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. It is further submitted that the petitioner has also handed over the abovesaid demand draft to the Investigating Officer and Investigating Officer has further handed over the same to the complainant after taking receipt from the complainant.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 15.09.2022 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 15.09.2022 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.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

29.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No