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

CRM-M-45482-2022

Date of decision : 07.12.2022

Sanjay Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashok Kaushik, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.158 dated 01.08.2022 registered under Sections 406/409/420/467/468/471/120-B of the Indian Penal Code, 1860 at Police Station Rozka Meo, District Nuh (Mewat).

On 09.11.2022, this Court had passed the following order:-

“Learned Senior Counsel for the petitioner inter alia contends that in the present case, there is no dispute regarding the fact that the work of cleaning of drains in question has been duly performed and there is no allegation that there is any shortcoming in the same. It is further submitted that as far as the petitioner is concerned, he is a contractual employee in BDPO office and is working as Additional BDPO and neither has the authority to sanction the work nor to sanction the

payment. It is contended that in order to show his bona fide and without admitting his liability, the petitioner is ready to deposit an amount of Rs.1.5 lacs within a period of four weeks from today with the concerned Chief Judicial Magistrate.

Notice of motion for 07.12.2022.

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.1.5 lacs within a period of four weeks from today with the concerned Chief Judicial Magistrate and the said Chief Judicial Magistrate is directed to get the said amount deposited in Fixed Deposit. The said amount would be returned to the petitioner in case he is acquitted after trial. In case, the petitioner is convicted then the said amount would be released to the Department concerned.

It is made clear that in case, the said amount is not deposited within the stipulated period, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The deposit of the abovesaid amount would not be construed as an admission of guilt by the petitioner.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 09.11.2022, the petitioner has joined the investigation and has also deposited an amount of Rs.1.5 lacs with the Court and has produced on record a photocopy of the said order dated 21.11.2022 today in the Court in support of the said submission which is

taken on record and the same is marked as Mark “A”.

Learned counsel for the State, on instructions from ASI Rajesh Kumar, has submitted that the petitioner has joined the investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 09.11.2022 and also the fact that the petitioner has joined the investigation and the fact that the amount of Rs.1.5 lacs has been deposited by the petitioner before the Court, the present petition is allowed and the interim order dated 09.11.2022 is ordered to be made absolute.

The said amount of Rs.1.5 lacs shall be released in accordance with directions which had been issued in order dated 09.11.2022 passed by this Court.

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.

07.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No