

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

205

**CRM-M-52543-2021
Decided on : 08.02.2022**

Sahil Makkar @ Jatin Makkar

. . . Petitioner

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

(Through Video Conferencing)

PRESENT: Mr. Ayush Gupta, Advocate
for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Rahul 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 bearing No. 218
dated 26.11.2021 under Sections 420 of IPC, 1860 registered at Police
Station Khanna City-2, District Khanna.

On 16.12.2021, this Court was pleased to pass the following
order:-

*“Learned counsel for the petitioner inter alia
contends that in the present case, the petitioner has been
falsely implicated inasmuch as the petitioner does not even
have a bank account and no amount has been paid to the
account of the petitioner. It is further submitted that all the
persons in whose accounts the money has been paid, have
not been made an accused in the present case.*

Notice of motion.

On asking of the Court, Mr.Sarabjit Singh Cheema, AAG, Punjab, accepts notice and has opposed the present petition to grant anticipatory bail to the petitioner.

Mr. Rahul Sharma, Advocate, appears on behalf of the complainant. He has submitted that in the present case, there are three complainants and the complainant Sandeep had paid an amount of Rs.1,40,000/- through Paytm-UPI account to the petitioner. He has further relied upon the documents which have been signed by Jatin Makkar admitting his liability.

Learned counsel for the petitioner, in rebuttal, has submitted that in order to show his bonafide and without admitting his liability, the petitioner is ready to pay an amount of Rs.1,40,000/- to the complainant Sandeep and would get a draft of said amount on the next date. It is further submitted that the said document which is sought to be shown by the complainant, is not signed by the petitioner inasmuch as the petitioner has never signed as Jatin Makkar and has signed as Sahil Makkar and the petitioner's name is not Jatin Makkar and the said name has been mentioned in the memo of parties only to avoid any objection being raised by the Registry as his name as mentioned in the FIR is Sahil Makkar alias Jatin Makkar.

Adjourned to 27.01.2022.

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 get a demand draft of Rs.1,40,000/- in the name of complainant Sandeep on the

next date of hearing. It would be open to learned State counsel and learned counsel for the complainant to produce on record documents including any document which shows that the name of the petitioner is also Jatin Makkar.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, the petitioner has joined the investigation and has also prepared a demand draft of Rs.1,40,000/- in the name of the complainant Sandeep Kumar and is ready to hand over the same to the learned counsel for the complainant.

Learned counsel for the State, on instructions from ASI Jagdev Singh, has 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 in case, the original demand draft of Rs.1,40,000/- is submitted to the learned counsel for the complainant then he would hand over the same to the complainant.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 16.12.2021 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation and has also prepared the demand draft of Rs.1,40,000/- in the name of the complainant, the present petition is allowed and the interim order dated 16.12.2021 is ordered to be made absolute.

The above order would be subject to the counsel for the petitioner handing over the original demand draft of Rs.1,40,000/- to the

counsel for the complainant within a period of 3 days from today. In case, the said original demand draft is not handed over within 3 days then, it would be open to the learned counsel for the complainant to move an application for cancellation of present anticipatory bail.

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.

(VIKAS BAHL)
JUDGE

February 8th, 2022

Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No