

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

CRM-M-48160-2022
Decided on : 20.12.2022

Salim

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

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. 158 dated
01.08.2022 under Sections 406, 409, 420, 467, 468, 471 and 120-B IPC
registered at Police Station Rozka Meo, District Nuh (Haryana).

On 09.11.2022, this Court was pleased to pass the following
order:

*“Learned 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 no loss has
been caused to the Government. 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.

To be heard alongwith CRM-M-45482-2022. ”

Subsequently on 07.12.2022, this Court had passed the following order:-

Learned counsel for the petitioner has submitted that the petitioner has deposited an amount of Rs.1.5 lacs with the Court in compliance of order dated 09.11.2022 passed by this Court.

Learned State Counsel, on instructions from ASI Rajesh Kumar has submitted that the petitioner has not joined the investigation.

The petitioner is again directed to join the investigation before the concerned Investigating Officer on 12.12.2022 at 11:00 am.

Adjourned to 20.12.2022.
Interim order to continue.”

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 deposited the amount of Rs.1.5 lakh with the Court.

Learned counsel for the State has reiterated the said facts and further 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 orders dated 09.11.2022 and 07.12.2022 and also the fact that the petitioner has joined the investigation, the present petition is allowed and the interim order dated 09.11.2022 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.

20.12.2022
Mehak

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No