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

CRM-M-49118-2022

Date of decision : 09.11.2022

Surinder Kumar and another

...Petitioners

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Deepak Kohli, Advocate for the petitioners.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.292 dated 09.10.2022 registered under Section 379 of the Indian Penal Code, 1860 at Police Station Ding, District Sirsa.

On 21.10.2022, this Court had passed the following order:-

“Inter alia contends that in the present case, the allegations levelled in the FIR to the effect that the petitioners have taken 1500 bricks belonging to the complainant are highly improbable inasmuch as 1500 bricks cannot be taken without the help of labour and without the complainant coming to know about the same. It is further submitted that even as per the FIR, the

complainant himself had not seen the petitioners take the bricks and the same has been registered on the basis of hearsay. It is further submitted that the petitioners, in order to show his bonafide and without admitting their liability, are ready to pay Rs.3500/- each to the complainant within a period of two weeks.

Notice of motion for 08.11.2022.

In the meantime, in the event of arrest, the petitioners are ordered to be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioners 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 petitioners are directed to prepare a demand draft of an amount of Rs.3500/- each 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.3500/- each to the complainant would be not construed as an admission of guilt by the petitioners.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 21.10.2022, the petitioners have joined the investigation and have also given demand draft amounting to Rs.3500/- each prepared in the name of the complainant to the

Investigating Officer.

Learned counsel for the State, on instructions from ASI Abhay Ram, has submitted that the petitioners have joined the investigation and are not required for any further custodial interrogation. It is further submitted that the petitioners have given the said demand drafts to the Investigating Officer and the Investigating Officer has also handed 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 21.10.2022 and also the fact that the petitioners have joined the investigation and are not required for further custodial interrogation and also the fact that the petitioners have given the abovesaid demand drafts to the Investigating Officer who has also handed over the same to the complainant, the present petition is allowed and the interim order dated 21.10.2022 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.

09.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No