

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(205)

1. CRM-M-53345-2021

Manoj KumarPetitioner

Versus

State of PunjabRespondent

2. CRM-M-50499-2021

Kamlesh RaniPetitioner

Versus

State of Punjab and anotherRespondents

Date of decision: - 08.03.2022

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rahul Dev Singh, Advocate
for Mr. Rohiteshwar Singh, Advocate
for the petitioner in both the petitions..

Mr. Sarabjit Singh Cheema, AAG, Punjab.

Mr. Gagandeep Singh, Advocate
for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

This order will dispose of two petitions filed under Section
438 Cr.P.C. for grant of anticipatory bail to both the petitioners in case

FIR No.17 dated 18.03.2021, under Sections 420 and 120-B of the Indian Penal Code, 1860, registered at Police Station Sri Hargobindpur, Batala.

The first petition has been filed by petitioner Manoj Kumar i.e. CRM-M-53345-2021 and the second petition has been filed by petitioner Kamlesh Rani wife of Manoj Kumar i.e. CRM-M-50499-2021.

On 20.01.2022, when the CRM-M-53345-2021 came up for hearing, a Co-ordinate Bench of this Court was pleased to pass the following order: --

"Case taken up through video conferencing.

The petitioner is seeking anticipatory bail in FIR No.17 dated 18.03.2021, under Sections 420, 120-B IPC, registered at Police Station Sri Hargobindpur, Batala.

Learned counsel for the petitioner contends that it is alleged that the petitioner had taken Rs.7,60,000/- as fee to prepare documents for sending the complainant abroad. The petitioner undertakes to deposit a sum of Rs.7,60,000/- within a period of 3 weeks.

The petitioner shall deposit a sum of Rs.7,60,000/- with the trial court within a period of 3 weeks.

List on 08.03.2022.

In the meantime, arrest of the petitioner shall remain stayed."

(ANUPINDER SINGH GREWAL)
JUDGE

20.01.2022"

In pursuance of the said order, the petitioner had not deposited the said amount of Rs.7,60,000/- and subsequently, on 18.02.2022, another Co-ordinate Bench of this Court had extended the time granted to deposit the said amount of Rs.7,60,000/-.

In pursuance of the above-said orders, counsel for the

petitioner has submitted that the petitioner Manoj Kumar has deposited Rs.7,60,000/- in the shape of FDR with the trial Court.

With respect to petitioner Kamlesh Rani, it has been submitted that the said petitioner was a sleeping director and has been implicated since she is the wife of petitioner Manoj Kumar and the FIR has been registered after a delay of five years. It has been further submitted that the complainant himself did not complete certain formalities. It is also stated that in pursuance of the interim order dated 20.01.2022 passed by this Court in CRM-M-50499-2021, the petitioner Kamlesh Rani has joined the investigation.

Learned counsel appearing on behalf of the complainant has submitted that although the amount of Rs.7.60 lakhs has been deposited in FDR, submits that in case either of the petitioners get convicted in the present case, then the amount of Rs.7.60 lakhs with interest be paid to the complainant.

Learned counsel for the petitioners in rebuttal has submitted that in case, both the petitioners are acquitted in the present FIR, then the amount of Rs.7,60,000/- along with interest be paid to the petitioners.

Learned State counsel, on instructions from ASI Ramesh Kumar, has submitted that in pursuance of the above order dated 20.01.2022, petitioner Kamlesh Rani has joined the investigation and she is not required for further investigation.

Keeping in view the above-said facts and circumstances, moreso, the fact that in pursuance of the interim order passed by this

Court in CRM-M-53345-2021, Manoj Kumar (the petitioner therein) had deposited an amount of Rs.7,60,000/- before the trial Court and has never misused the interim protection granted to him, and the fact that in pursuance of the interim order passed by this Court in CRM-M-50499-2021, Kamlesh Rani (petitioner therein) has joined the investigation and is not needed for further custodial interrogation and has never misused the interim protection granted to her, the present petitions for grant of anticipatory bail to both the petitioners are allowed and the interim order dated 20.01.2022 passed in CRM-M-53345-2021 and order dated 20.01.2022 passed in CRM-M-50499-2021 are made absolute.

It is made clear that in case either of the petitioners-Manoj Kumar and Kamlesh Rani is convicted in the present FIR, then the amount of Rs.7,60,000/- along with interest would be paid to the complainant. However, in case both the petitioners are acquitted of the said offences by the trial Court, then the said amount along with interest would be paid to the petitioners.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present cases which are only for the purpose of adjudicating the present bail applications.

(VIKAS BAHL)
JUDGE

March 08, 2022
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes
No