

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54685-2021
Date of decision : 21.12.2022

Rajwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.M.S.Saini, Advocate for
Mr.Ram Kumar Saini, Advocate
for the petitioner.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.222 dated 20.10.2021 registered under Sections 408, 120-B IPC at Police Station Division-A, District Police Commissionerate Amritsar.

On 07.12.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that the petitioner has joined the investigation.

Learned State Counsel, on instructions from ASI Davinder Singh, has submitted that although, the petitioner has joined the investigation but recovery is yet to be effected from him.

Learned counsel for the petitioner has further submitted that the petitioner in order to show his bona fide, is ready to give an amount of Rs.40,000/- to the complainant within a period of 12 days from today, without admitting his liability.

Adjourned to 21.12.2022.

Interim order to continue.

The petitioner is directed to prepare demand draft of Rs.40,000/- in the name of complainant and is also directed to give the same to the Investigating Officer within a period of 12 days from today, who shall further handover the same to the complainant after getting a receipt from him.

It is made clear that in case, the demand draft of Rs.40,000/- is not given to the Investigating Officer prepared in the name of the complainant within a period of 12 days from today, then the present interim relief granted in favour of the petitioner would be liable to be vacated.

The payment of the amount of Rs.40,000/- would not be construed as an admission of guilt by the petitioner.

07.12.2022 ”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has handed over the demand draft of Rs.40,000/- to the Investigating Officer and has joined the investigation.

Learned State counsel, on instructions from ASI Devinder Singh, has reaffirmed the said facts and has submitted that the demand draft received from the petitioner by the Investigating Officer has been handed over to the complainant and the petitioner is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 07.12.2022, and also the fact that the petitioner has handed over the demand draft of Rs.40,000/- to the Investigating Officer and joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 07.12.2022 is made absolute. 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.

Nothing stated above shall be construed as an expression of

of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 21, 2022
Davinder Kumar

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