

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-53059-2022

Date of decision : 21.12.2022

Varinder Joshi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Aditya Pratap Singh, 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.0112 dated 09.07.2022 registered under Sections 417, 420, 467, 468, 471, 120-B IPC at Police Station Division no.2, Tehsil and District Pathankot.

On 17.11.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that the petitioner had stood as a guarantor for repayment of the loan amount and was not aware of the fact that the registration certificate of the car of make Rhino RX submitted by the coaccused Surjivan Singh was fake. It is also submitted that the petitioner in order to show his bona fide, is ready to pay an amount of Rs.1,50,000/- to the State Bank of India Branch, College Road Pathankot, Division No.2, Pathankot, within a period of two weeks, without admitting his liability.

Notice of motion for 12.12.2022.

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 pay an amount of Rs.1,50,000/- to the above-said Bank within a period of two weeks from today after getting the receipt. It is made clear that in case, an amount of Rs.1,50,000/- is not paid to the above-said Bank within a period of two weeks 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.1,50,000/- would not be construed as an admission of guilt by the petitioner.

November 17, 2022”

On 12.12.2022, this Court was pleased to pass the following order:-

“Learned State counsel has submitted that as per his instructions, the petitioner has not joined the investigation and has not deposited the amount of Rs.1,50,000/- as per order dated 17.11.2022.

Learned counsel for the petitioner has submitted that the petitioner has deposited the said amount and is carrying the receipt and prays that the petitioner may be given one more opportunity to join the investigation.

Accordingly, the petitioner is directed to join the investigation on 16.12.2022 at 11:00 AM.

Adjourned to 21.12.2022.

Interim order to continue.

12.12.2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation and has also deposited Rs.1,50,000/- as per the order dated 17.11.2022 and has produced on record the receipt dated 29.11.2022 showing that amount of Rs.1,50,000/- has been deposited in the name of State Bank of India of the concerned branch. A copy of the same has been taken on record and marked as Mark A.

Singh, has submitted that the petitioner has joined investigation and 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 17.11.2022, and also the fact that the petitioner has deposited the amount of Rs.1,50,000/- and has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 17.11.2022 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

December 21, 2022
Davinder Kumar

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