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

CRM-M-54594-2022

Date of decision : 07.12.2022

Kulwinder Singh @ Kuljinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. G.S. Madaan, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Ashit Malik, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.239 dated 10.08.2021 registered under Sections 406, 420 and 120-B of the Indian Penal Code, 1860 and Haryana Act No.32 of 2014 (The Haryana Protection of Interest of Depositors in Financial Establishment Act, 2013) Sections 3 and 4 at Police Station Ram Nagar, Karnal.

On 24.11.2022, this Court had passed the following order:-

“Inter alia contends that the present case has civil trappings and the petitioner is one of the directors of the company namely Anantha Global Herbocare and the money in question has been deposited in the account of the

company and the company has not been made as accused. It is further submitted that the petitioner is ready to pay an amount of Rs.1.5 lacs to the complainant without admitting his liability.

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 hand over the demand draft amounting to Rs.1.5 lacs prepared in the name of the complainant to the concerned Investigating Officer within a period of 10 days from today and the Investigating Officer is further directed to hand over the same to the complainant before the next date of hearing.

It is made clear that in case, the said demand draft of the abovesaid amount is not prepared and handed over to the complainant, then the interim order granted would be liable to be vacated. It is also made clear that the payment of Rs.1.5 lacs by the petitioner would not be construed as an admission of liability.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 24.11.2022, the petitioner has joined the investigation and has also handed over the demand draft amounting to Rs.1.5 lacs prepared in the name of complainant to the Investigating Officer.

Learned counsel for the State has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation. It is further submitted that the demand draft amounting to

Rs.1.5 lacs which was handed over by the petitioner to the Investigating Officer, the Investigating Officer has further handed over the same to the complainant.

Learned counsel for the complainant has also confirmed the abovesaid facts as stated by learned counsel for the petitioner and State.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 24.11.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation and also the fact that the complainant has received the demand draft amounting to Rs.1.5 lacs which was handed over by the petitioner to the Investigating Officer, the present petition is allowed and the interim order dated 24.11.2022 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.

07.12.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**