

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.201

CRM-M-3543-2023

Date of decision : 03.05.2023

Roopchand Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Ms.Nandini Gupta, Advocate, for
Mr.Abhilaksh Grover, Advocate, for the petitioner.

Mr.Rajiv Sidhu, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.528 dated 16.07.2022 registered under Sections 406 and 420 IPC at Police Station Sector 58, Faridabad.

(2) On 06.02.2023 this Court had passed the following order: -

“Learned counsel for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case; the dispute between the petitioner and the complainant is civil in nature and has been given criminal colour only to arm-twist the petitioner; to show his bona fides the petitioner is ready and willing to deposit the disputed amount of Rs.12 lakhs before the concerned Illaqa Magistrate which may be disbursed to the complainant against security and that the petitioner is also ready and willing to join and cooperate with the investigation as and when called by the investigating agency.

Notice of motion.

Mr.Viney Phogat, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State and Ms.Gurjeet Kaur, Advocate puts in appearance on behalf of the complainant.

For arguments, adjourned to 03.05.2023.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C, in the event of his arrest in FIR No.528, dated 16.07.2022, registered under Sections 406 & 420 IPC at Police Station Sector 58, District Faridabad, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

In terms of the afore submissions made by the petitioner he is directed to deposit Rs.12 lakhs before the concerned Illaqa Magistrate within a week from today. On the deposit having been made the same shall be disbursed to the complainant against security. Of course the afore deposit and disbursement of the amount shall abide by the final outcome of the petitioner's trial.”

(3) Learned State counsel submits that in pursuance to the afore quoted order the petitioner has deposited Rs.12 lakhs before the concerned Illaqa Magistrate and has also joined and cooperated with the investigation as also that the State no longer requires the petitioner for investigation purposes.

(4) In the light of the submissions made on behalf of the petitioner as have been recorded in the afore quoted order as also the statement made on behalf of the State, subject to the petitioner’s abiding by the conditions prescribed under Section 438(2) Cr.P.C the order of this Court dated 06.02.2023, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

03.05.2023
shamsher

[DEEPAK SIBAL]
JUDGE

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