

**S. No.250**

**2023:PHHC:159017**

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

**\*\*\*\***

**CRM-M-1564 of 2017 (O&M)**

**Date of Decision:12.12.2023**

**Atma Singh**

**.....Petitioner**

**Vs.**

**State of Punjab and others**

**.....Respondents**

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Ms. Shruti Rathour, Advocate for Mr. Sumeet Jain,  
Advocate for the petitioner.

Mr. P.S. Pandher, AAG, Punjab.

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**DEEPAK GUPTA, J. (Oral)**

Petitioner was involved in case FIR No.139 dated 08.09.2012 registered at Police Station Dasuya under Section 420/120-B IPC. He applied for grant of anticipatory bail before this Court by filing CRM-M-40680 of 2012 (O&M), which was disposed of vide order dated 28.01.2013 (Annexure P.2), after the petitioner agreed to deposit ₹75,000/- before the Area Magistrate.

Petitioner was accordingly granted bail. Trial commenced and ultimately, the petitioner and two others, who were challaned by the Police were acquitted of the charges vide judgment dated 13.01.2015 (Annexure P.1). Petitioner then applied for releasing the amount of ₹75,000/- which had been deposited by him for being granted bail. Unfortunately, learned Sub Divisional Judicial Magistrate, Dasuya vide impugned order dated 23.09.2016 (Annexure P.3) declined the request.

The reasoning given by the learned Sub Divisional Judicial Magistrate, Dasuya does not appeal to reason. Once the trial has ended in

acquittal, there was no justification for detaining the amount of ₹75,000/- which had been deposited for releasing the petitioner on bail.

In view of the above, this petition is accepted. The trial Court is directed to order releasing of the amount of ₹75,000/- to the petitioner.

December 12, 2023

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Whether Speaking/reasoned

Whether Reportable

( DEEPAK GUPTA )

JUDGE

Yes/No

Yes/No