

Neutral Citation No. 2023:PHHC:117099

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21596-2023 (O&M)
Date of decision : 05.09.2023

Gagandeep

... Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Vipin Mahajan, Advocate and
Ms. Chandanpreet Kaur Ahluwalia, Advocate,
for the petitioner.

Ms. Swati Batra, Deputy Advocate General, Punjab.

Mr. Narinder Kumar Vadhera, Advocate, for the complainant.

SANJIV BERRY, J.

This is a petition filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail in FIR No. 36 dated 01.03.2023, registered under Section 420 IPC, at Police Station Dinanagar, District Gurdaspur.

2. Learned counsel for the petitioner intimates that in compliance of order dated 01.05.2023, the petitioner has already joined the investigation and has also deposited Rs. 2.5 lacs in the Court of *Illaq* Magistrate. He has also placed on record the receipt dated 15.05.2023 regarding the deposit of the aforesaid amount, which is taken on record.

3. Learned State counsel, on instructions from ASI Kulwinder Singh, intimates the Court that the petitioner has already joined the investigation. She further submits that recovery of remaining amount is to be effected from the petitioner.

4. Learned counsel for the complainant while assisting the learned State counsel has also submitted that the remaining amount is yet to be recovered from the petitioner and as such has opposed the bail application.

5. After considering the rival contentions, it transpires that so far as the factum of making payment by the complainant to the petitioner is concerned, this aspect is to be considered during the course of trial. The petitioner has already joined the investigation and has deposited Rs. 2.5 lacs as per the directions by this Court vide order dated 01.05.2023. So in these circumstances and without commenting on the merits of the case, the interim bail granted to the petitioner vide order dated 01.05.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, he will not tamper with the evidence nor will influence the witnesses; shall cooperate with the investigation as and when so required.

6. The petition stands allowed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

05.09.2023

VS

**(SANJIV BERRY)
JUDGE**

Whether speaking/ reasoned : Yes/No

Whether reportable : Yes/No