

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-29686-2023
Date of Decision :- 06.11.2023

Pradeep Kumar
.....Petitioner

Versus

State of Punjab and another
.....Respondents

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Vivek Varun, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, DAG, Punjab.

Mr.Gurjeet Singh Kaura, Advocate
for the complainant/respondent No.2.

SUVIR SEHGAL, J. (ORAL)

1. Instant petition has been filed under Section 438
Cr.P.C. seeking grant of anticipatory bail in:-

FIR No.	Dated	Police Station	Section
27	08.02.2019	Kharar, SAS Nagar	420 IPC

2. Upon instructions received from ASI Gurdeep Singh,

201

-2-

State counsel submits that petitioner has joined and cooperated with the investigation and is no longer required for custodial interrogation.

3. Counsel representing respondent No.2 however submits that the petitioner has embezzled Rs.9 lakhs and he should be directed to deposit the said amount.

4. Argument of the counsel for the complainant/respondent No.2 has been considered.

5. Hon’ble Supreme Court in *Dalip Singh Versus State of Madhya Pradesh and another (2021) 2 SCC 779* has held that petition seeking bail cannot be converted into a suit for recovery of money nor can any condition be imposed for deposit of the disputed amount.

6. The argument raised by counsel for the respondent No.2 is rejected.

7. In view of the above, but without commenting upon the merits of the allegations, petition is allowed. Order dated 05.06.2023 is made absolute, subject to satisfaction of conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

06.11.2023

Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking
Whether reportable

: Yes/No
: Yes/No