

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

101

CRM-M-32165-2023
Date of Decision: 11th September, 2023

Ravinder Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM : HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Sanjay Verma, Advocate for the petitioner.
Mr. Chetan Sharma, DAG, Haryana.
Mr. Kapil Aggarwal, Advocate for the complainant.

AVNEESH JHINGAN , J.(Oral)

1. This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in FIR mentioned below :-

FIR No.	Date	Police Station	Sections
0382	19.6.2023	Shahabad, District Kurukshetra	420, 120-B IPC, 1860 and Section 10 and 24 of Emigration Act, 1983

2. On 17.7.2023, the following order was passed :-

“1. This petition is filed seeking anticipatory bail in case FIR No. 382, dated 19th June, 2023, under Sections 420, 120-B of Indian Penal Code, 1860 and Sections 10, 24 of Emigration Act, registered at Police Station Shahabad, District Kurukshetra.

2. As per the allegations the amount was ostensibly received by the accused and the petitioner-Ravinder Kumar on pretext of sending complainant and his relatives abroad.

3. *Learned counsel for the petitioner submits that as per the allegations amount was received by son of the petitioner, still to show his bonafide is ready to deposit Rs.1,25,000/- with the Illaqa Magistrate, subject to outcome of the trial.*

4. *The offer made by the petitioner prima facie is reasonable, as an interim measure, arrest of the petitioner is stayed, subject to his joining investigation within ten days and depositing the amount within two weeks' from today with Illaqa Magistrate. The same shall be kept in FDR, subject to outcome of the trial.*

5. *List on 25th August, 2023."*

3. On 25.8.2023, the following order was passed :-

"1. Learned Counsel for the petitioner submits that petitioner neither joined the investigation nor deposited Rs.1,25,000/- due to bereavement in the family of the petitioner. He seeks time to join investigation.

2. List on 11th September, 2023.

3. Interim order to continue.

4. It is clarified that in case of failure of the petitioner to comply with order dated 17th July, 2023, interim order shall stand vacated automatically without reference to the Court."

4. Learned State Counsel, on instructions submits that the petitioner appeared before the Investigating Officer and asked for time to deposit the amount. He submits that the petitioner needs to join investigation again.

5. Learned counsel for the petitioner submits that draft was wrongly prepared in the name of Registrar of this Court and the needful would be done within three days. He on instructions submits that on failure of doing needful by the petitioner, he shall not press this petition.

6. Learned counsel for the complainant opposes the prayer.
7. The interim order dated 17.7.2023 is made absolute subject to deposit of the amount within three days and keep on joining investigation as and when called for and further compliance of condition under Section 438(2) Cr.PC. The amount so deposited shall be kept in FDR in a nationalized bank subject to outcome of the trial.
8. Disposed of accordingly.
9. Since the main case has been disposed of the pending application(s), if any is rendered infructuous.

(AVNEESH JHINGAN)
JUDGE

11th September, 2023
anuradha

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