

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36926-2023(O&M)
Date of Decision :- 06.12.2023

Vivek Saini
.....Petitioners

Versus

State of Haryana
.....Respondent

CORAM:- HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr.Saurabh Sharma, Advocate
for the petitioner.

Mr.Munish Sharma, DAG, Haryana.

Mr.Gagandeep Singh, Advocate for
Mr.J.S. Saneta, Advocate
for the complainant.

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	Sections
285	19.06.2023	Kurukshetra University, District Kurukshetra	406, 420 IPC

206

-2-

2. Upon instructions received from SI Jaswant Singh, State counsel submits that petitioner has joined and cooperated with the investigation process. He has specific instructions to state that petitioner is no longer required for custodial interrogation.

3. Counsel for the complainant has however opposed the prayer by submitting that amount entrusted to the petitioner has not been refunded.

4. Heard counsel for the parties.

5. The proceedings under Section 438 Cr.P.C. cannot be converted into recovery proceedings nor can this Court direct the accused/petitioner to deposit the alleged embezzled amount as a condition for grant of bail.

6. In view of the above, but without commenting upon the merits of the allegations, petition is allowed. Order dated 29.08.2023 is made absolute, subject to satisfaction of conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

06.12.2023

Brij

(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking
Whether reportable

: Yes/No
: Yes/No