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

CRM-M-56204-2022
Date of Decision: 24.02.2023

Vikas Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Akash Manocha, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. AG, Punjab.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.0142 dated 10.11.2021(Annexure P-1), registered under Sections 420, 406 and 120-B of the Indian Penal Code, 1860, registered at Police Station Sadar Gurdaspur, Gurdaspur.

On 02.12.2022, the following order was passed by a co-ordinate Bench of this Court :-

“Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that in fact it is co-accused Narinder Pal and Sukhjinder Singh who are the main accused and in whose account the entire amount had been transferred. Learned counsel has further submitted that the petitioner is not involved in any other case and in order to prove his bonafides, is ready to deposit an amount of Rs.1,50,000/- in the trial Court/jurisdictional Magistrate.

Notice of motion for 24.2.2023.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petitioner in accordance with his offer shall deposit an amount in respect of Rs.1,50,000/- before the trial Court/jurisdictional Magistrate within 4 weeks from today. Upon such amount being deposited, the trial Court/jurisdictional Magistrate shall get the same invested in FDR in some nationalized Bank with the specific direction to the Bank Manager concerned not to entertain any request for encashment except an order of the Court.”

Learned counsel for the petitioner submits that pursuant to the aforesaid order, the petitioner has joined the investigation and has also deposited an amount of Rs.1,50,000/- vide FD A/c No.41616396792, dated 25.01.2023.

Learned State counsel on instructions from ASI Harminder Singh has not disputed the aforesaid fact of joining of investigation and depositing of the abovesaid amount by the petitioner. Learned State counsel further submits that custodial interrogation of the petitioner is not required at this stage.

Heard learned counsel for the parties.

Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 02.12.2022 by the Co-ordinate Bench of this Court is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

The petition is accordingly disposed of.

24.02.2023

Himani

**(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No