

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-57950-2022

Date of decision : 19.01.2023

Dogar Mall

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Nishad Ahuja, Advocate for
Mr. Vishal Nehra, Advocate
for the petitioner.

Mr.Ferry Sofat, Addl.A.G. Punjab.

VIKAS BAHL, J.(ORAL)

This is the second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.288 dated 13.11.2022 registered under Sections 465, 468, 471, 420, 406, 34 IPC at Police Station Tanda, District Hoshiarpur.

On 13.12.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, the primary allegations are levelled against the co-accused Sandeep and only an amount of Rs.50,000/- has been deposited into the account of the present petitioner by the complainant and regarding the same the matter has been settled and the petitioner has already given cheque dated 09.12.2022 to the complainant for the amount of Rs.25,000/- and the balance amount of Rs.25,000/- is to be paid on 09.01.2023.

Notice of motion for 19.01.2023.

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

The petitioner is directed to make sure that the amount of Rs.50,000/- is paid to the complainant on or before the next date of hearing and the information regarding the same be given to the Investigating Officer along with the receipt/ proof.

It is made clear that in case the said amount is not given to the complainant, then the interim order is liable to be vacated.

December 13, 2022.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has paid an amount of Rs.50,000/- to the complainant and the petitioner has joined the investigation.

Learned State counsel has submitted that the petitioner has joined investigation and an amount of Rs.50,000/- has been paid to the complainant by the petitioner and the petitioner is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 13.12.2022, and also the fact that the petitioner has joined the investigation and an amount of Rs.50,000/- has been paid to the complainant and is not required for further investigation, the present petition is allowed and the interim order dated 13.12.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

January 19, 2023
Davinder Kumar

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