

Rohit Katyal

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr.Harjinder Singh, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 438 Cr.PC with a prayer to grant anticipatory bail in case FIR No. 184 dated 11.09.2023, registered under Sections 420, 467,468,471 34 of IPC Police Station Sadar Ludhiana (Annexure P-1).

2. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In fact, Gurwinder Singh, co-accused is a car dealer and the petitioner is the employee of Gurwinder Singh. He further contends that the petitioner was not the beneficiary of any of the transaction in the present case. He further contends that the one person namely, Sunny Kashyap had sold the car to the present petitioner and the petitioner had further sold it to the complainant. He further contends that the entire amount was transferred by the petitioner in the account of his co-accused. He further contends that to show his bonafides, the petitioner was ready deposit a sum of Rs.5 lacs with the Trial Court/Area Magistrate within a period of 15 days from today, without prejudice to his right, to raise all the defence during the course of

trial.

3. On the other hand learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that two more cases of similar nature have already been registered against the present petitioner and the petitioner is not entitled to concession of any relief.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, the petitioner had allegedly sold the car to the complainant and a sum of Rs.5 lacs was received in his account. However, the petitioner has now offered to deposit an amount of Rs.5 lacs with the Court of Area Magistrate/Trial Court within a period of 15 days. Moreover, the documentary evidence already is in possession of the police and custody of the petitioner will not serve any meaningful purpose.

6. Consequently, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

7. The petitioner shall deposit an amount of Rs.5 lacs with the Area Magistrate/Trial Court within a period of 15 days from today, subject to outcome of the trial. The concerned Court is directed to deposit the said amount in a fixed deposit in a nationalized bank, fetching maximum rate of interest, during the course of trial.

(N.S.SHEKHAWAT)
JUDGE

06.12.2023
hitesh

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