

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-5469-2024

Date of Decision:-05.03.2024

Vijay Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Navneet Singh, Advocate for the Petitioner.

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in the petition under Section 482 Cr.PC is for directing the Trial Court to release the FDR No.0038826 dated 25.08.2023 for an amount of Rs.1,00,000/- (rupees one lac only) issued by the Bank of Maharashtra Branch Zirakpur (Punjab) which was deposited with the Trial Court on 28.08.2023 on the directions of this Court in the bail order dated 23.08.2023 in case FIR No.949 dated 06.11.2022 under Sections 307, 34 IPC and Sections 25, 29 of the Arms Act P.S. Shahbad Kurukshetra.

2. The Counsel for the petitioner contends that the son of the petitioner was facing trial in case FIR No.949 dated 06.11.2022 under Sections 307, 34 IPC and Sections 25, 29 of the Arms Act P.S. Shahbad Kurukshetra. On 23.08.2023 while granting bail to the petitioner therein namely Yuvraj @ Yuvi this Court had directed the petitioner to prepare an

FDR for an amunt of Rs.1,00,000/-(rupees one lac only) and deposit the same with the Trial Court.

Now that the son of the petitioner stood acquitted vide judgment dated 02.12.2023 (Annexure P-3) the said FDR ought to be returned to the petitioner.

3. The Counsel for the State has filed a reply dated 04.03.2024 by way of affidavit of Mr. Randhir Singh, Deputy Superintendent of Police, Shahbad, Kurukshetra, which is taken on record. While referring to the same he contends that the State is in the process of filing an appeal against the aforesaid judgment of acquittal and, therefore, the amount ought not to be released.

4. I have heard learned Counsel for the parties.

5. Admittedly, the said amount was deposited as security so that the petitioner did not absent himself from the trial. Now when he has been acquitted, it would be appropriate that the amount of Rs.1,00,000/- deposited in the shape of the FDR with the Trial Court is returned back to the petitioner.

6. In view of the above, present petition is allowed and the FDR No.0038826 dated 25.08.2023 for an amount of Rs.1,00,000/- (rupees one lac only) issued by the Bank of Maharashtra Branch Zirakpur (Punjab) is ordered to be returned to the petitioner against proper receipt and identification immediately.

(JASJIT SINGH BEDI)
JUDGE

March 05, 2024

Vinay

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

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