

2024:PHHC:072478



S. No.206

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7684 of 2024 (O&M)

Date of Decision:22.05.2024

Mohan

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Shailender Singh, Advocate and
Ms. Priya Bhati, Advocate for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

Mr. Sagar Sharma, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

Learned counsel for the petitioners has placed on record copy of the e-challan issued by the Government of Haryana, in order to contend that pursuant to the order dated 08.04.2024, petitioner has already deposited the amount of ₹2 lakhs in the Court's account.

The afore-said fact is conceded by learned State Counsel.

On 14.02.2024, the following order was passed by a co-ordinate

Bench of this Court:-

“CRM-6729-2024

In view of the reasons mentioned in the application, the same is allowed as prayed for.

CRM-M-7684-2024

The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No. 224 dated 09.10.2023, Police Station Farukpur, District Yamuna Nagar, under Sections 120-B, 420, 406, 506 IPC.



The complainant in the FIR alleges that he has been defrauded of an amount of Rs.7.75 lakhs on the pretext of sending him to Italy on a Work Permit whereas, he was merely sent to Armenia on a Visitor Visa where he was kept for 25 days, but ultimately the petitioner had to return back upon expiry of the said Visa and he was never ever taken to Italy.

Learned counsel submits that it is not in dispute that the petitioner did go to Armenia on a Visitor Visa and submits that he had never held out any promise to the complainant to get a Work Permit issued for Italy and that he had merely introduced the complainant to somebody else who somehow did not deliver the goods. Learned counsel submits that in any case, the petitioner is willing to compensate the petitioner to the extent of Rs.3 lakhs and shall deposit the same before the trial Court within one month from today and that out of the said Rs.3 lakhs, he shall immediately deposit Rs.1 lakh within 10 days from today.

Notice of motion for 22.5.2024.

At this stage Mr. Sagar Sharma, Advocate, has put in appearance on behalf of the complainant and filed power of attorney. The same is taken on record.

Learned counsel appearing on behalf of the complainant has opposed the petition and has submitted that since the petitioner was part and parcel of the entire fraud leading to the complainant being deprived of a hefty amount, no case for grant of anticipatory bail is made out.

Having regard to the facts and circumstances of the case and the offer made by learned counsel for the petitioner, it is directed that 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 aforesaid directions are subject to the condition that the petitioner shall abide by the offer, as has been made today and shall deposit Rs.1 lakh within the next 10 days before the trial Court and the remaining Rs.2 lakhs within the next 1 month thereafter.

Upon such amount being deposited, the trial Court/Illaqa Magistrate shall get the same invested in some nationalized Bank in FDR with the specific



direction to the Bank Manager concerned not to entertain any request for encashment except upon an order of the Court.”

Learned State Counsel concedes that pursuant to the afore-said order, petitioner has joined the investigation and he is no longer required for any investigation.

In view of the afore-said statement, order dated 14.02.2024 whereby interim anticipatory bail was granted to the petitioner in the FIR in question, is hereby made absolute. However, the petitioner shall continue to join the investigation as and when required by the Investigating Officer and make compliance of the conditions envisaged under Section 438(2) Cr.P.C.

Disposed of.

The misc. application, if any, stands disposed of.

May 22, 2024
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(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No