

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-73030-M-2006 (O&M)

Date of Decision:29.02.2024

Om Parkash Mehta

...Petitioner

VS.

State of Haryana

...Respondent

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

Present : None for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.P.C with a prayer to grant anticipatory bail to him in case FIR No.32 dated 07.11.2006 registered under Sections 406/420 of IPC, Police Station Saha, District Ambala.

2. On 30.11.2006, the following order was passed:-

“Pursuant to order dated 21.11.2006, the counsel for the petitioner has furnished a draft No.423063 dated 29.11.2006 of Rs.5 lacs for handing over to the complainant. The said draft is handed over to the counsel for the complainant. The counsel has accepted this draft without prejudice to the rights of both the parties. Mr. Yashwinder Singh, on instructions, submits that though the petitioner has joined the investigation, but some recoveries are yet to be effected from him. Let the petitioner appear before the Investigating Officer again on 2.12.2006 at 10.00 AM”.

3. Thereafter, the matter was heard by this Court on different dates and ultimately, vide order dated 20.11.2007, the interim order dated 21.11.2006 was made absolute and the petition was ordered to be allowed.

4. It seems that at a later stage, the petitioner/applicant had filed CRM No.10049-2012 under Section 482 Cr.P.C with a prayer to direct the respondent No.2 to refund an amount of Rs.5,00,000/- to the petitioner, which he had received by way of an demand draft No.423063 dated 29.11.2006 in compliance of the order dated 21.11.2006 passed by this Court.
5. I have heard learned State counsel and gone through the record of the case.
6. It is apparent from that record that vide the interim order dated 21.11.2006, the respondent No.2 was directed to handover a sum of Rs.5 lacs to the complainant and the said amount was accepted by the complainant without prejudice to the rights of both the parties. Even trial is stated to be pending before the Trial Court.
7. The petitioner/applicant had filed the present application on the ground that during the course of investigation, the allegations levelled by the complainant against the petitioner were found to be false and frivolous. However, learned State counsel has informed the Court that after presentation of the cancellation report, a protest petition was filed by the complainant and the petitioner has again been summoned as an accused in the present case and trial is pending.
8. Consequently, there is no merit in the present case and the same is ordered to be dismissed.
9. Pending application(s), stand(s), disposed off, accordingly.

29.02.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

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