

2024:PHHC:009808

253 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
CRM-M-48967-2021
Date of decision: 24.01.2024

MOHAMMAD NASEEM

...Petitioner

V/s

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Saleem Ahmad, Advocate
for the petitioner.

Mr. Mohit Thakur, AAG Punjab.

Mr. Shivoy Dhir, Advocate
for respondent No. 5.

HARPREET SINGH BRAR J. (ORAL)

1. The present petition has been filed under Section 482 of Cr.P.C. praying for issuance of directions to respondents No. 1 to 6 to open the seized account of the petitioner in case bearing FIR No. 80 dated 15.07.2020 registered under Section 420 of Indian Penal Code and Section 66-D of Information Technology Amended Act, 2008, at Police Station Khanauri, District Sangrur.

2. Learned counsel for the petitioner *inter alia* contends that the amount of Rs. 1,94,000/-, which is allegedly deposited in the account of the petitioner has already been returned to complainant-Rashpal Singh and the same is duly recorded in the order dated 30.08.2020 (Annexure P-2) passed by learned Additional Sessions Judge, Sonipat, while granting regular bail to the petitioner. It is a matter of trial as to whether the amount which was deposited in the account of the petitioner was a result of fraud or mistake. The culpability, if any, would be examined at the time of the trial. The petitioner has already returned the amount to the complainant-Rashpal Singh and complainant has effected compromise

with the petitioner.

3. Mr. Shivoy Dhir, Advocate has put in appearance on behalf of respondent No. 5-Axis Bank and has no objection, in case the present petition is allowed.

4. Learned State counsel, however, opposes to the prayer made by the petitioner on the ground that there are 16 accused in the FIR and 15 accused are yet to be arrested.

5. Keeping in view the facts and circumstances of the case and the fact that the petitioner is on regular bail and the amount in question has already been returned to the complainant and parties have effected compromise, the present petition is allowed. Respondents No. 1 to 6 are directed to de-freeze the bank account of the petitioner and allow him to operate his bank account.

6. The instant petition is disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

24.01.2024

Ajay Goswami

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