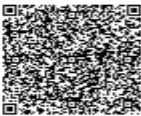


2024:PHHC:125262



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209/3

CRM M-57704 of 2023
Date of Decision: 20.08.2024

Lajpat Rai Bansal		...Petitioner
	Versus	
State of Haryana and others		... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Rajesh Gupta, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Karan Nehra, Advocate
for respondents No. 2 and 3.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition under Section 439(2) with a prayer to set aside the order dated 23.08.2023 (Annexure P-2) passed by the Court of Additional Sessions Judge, Sonapat and to cancel the anticipatory bail granted to respondents No. 2 and 3 in case FIR No. 0352 dated 28.06.2023 under Sections 34, 406 and 420 of IPC registered at Police Station Kharkhoda, District Sonapat.
2. Learned counsel for the petitioner contends that the respondents No. 2 and 3 had applied for anticipatory bail before the

Court of Additional Sessions Judge, Sonapat and vide the impugned order dated 23.08.2023, the Court of Additional Sessions Judge, Sonapat had granted the benefit of anticipatory bail to respondents No. 2 and 3. However, the Court had imposed a condition that both the petitioners would tender a fixed deposit receipt (FDR) in the name of Surinder Kumar Garg, respondent No. 3, for a sum of Rs. 3,90,000,00/- on the case file within a period of 07 days as security for refund of the consideration received by him and the said FDR would be subject to acknowledgment as per the orders passed in the civil suit. Learned counsel further submits that both the respondents No. 2 and 3 had not deposited the FDR of Rs. 3,90,000,00/- in compliance of the impugned order passed by the Court of Additional Sessions Judge and the concession of anticipatory bail was required to be withdrawn from respondents No. 2 and 3.

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

4. In the present case, respondents No. 2 and 3 had also filed two petitions, i.e., CRM-M-43029-2023 titled as “**Umang Garg Vs. State of Haryana and another**” and CRM M-9903-2024 titled as “**Surinder Kumar Garg Vs. State of Haryana and another**”, before this Court and had challenged the imposition of condition of deposit of Rs. 3,90,000,00/- in the shape of FDR with the trial Court while admitting them to the concession of anticipatory bail. Even, the

said two petitions were tagged alongwith the present case and were taken up for hearing simultaneously. Vide order of even date, this Court has already held that the imposition of condition of deposit of FDR of Rs. 3,90,000,00/- by respondents No. 2 and 3 in the present case, was highly unreasonable, unwarranted and onerous. Even, the impugned order to that an extent has been set-aside by this Court, which was the only ground taken for cancellation of bail granted to respondents No. 2 and 3.

5. In the present case, the petitioner had applied for cancellation of bail of respondents No. 2 and 3 only on the ground that they had not deposited the amount of Rs. 3,90,000,00/- with the Court of Additional Sessions Judge, Sonapat and since the said condition has already been set aside by this Court in CRM-M-43029-2023 titled as “**Umang Garg Vs. State of Haryana and another**” and CRM M-9903-2024 titled as “**Surinder Kumar Garg Vs. State of Haryana and another**”, the present petition deserves to be dismissed.

6. Dismissed.

20.08.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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