

S. No.215

2024:PHHC:057931

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-56064 of 2023

Date of Decision:29.04.2024

Dev Dutt Sharma

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Rahul Sharma, Advocate for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Mr. Abhilaksh Grover, Advocate for the complainant.

DEEPAK GUPTA, J. (Oral)

By way of present petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.292 dated 22.08.2023 registered under Sections 120-B, 408, 420, 467, 468, 471 and 201 IPC at Police Station Sadar Ballabgarh, District Faridabad, Haryana.

On 07.11.2023, the following order was passed by this Court:-

“Counsel for the petitioner submits that petitioner is not named in the FIR and he has been falsely implicated as the allegations have primarily been levelled against his brother, Puran Chand Vashist. He has placed reliance upon interim orders, Annexures P-3 to P-5, whereby arrest of co-accused has been stayed by this Court.

Notice of motion.

On asking of the Court, Mr. Ramender Singh Chauhan, AAG, Haryana accepts notice on behalf of the State-respondent. He is assisted by Mr. Abhilaksh Grover, Advocate, counsel for the complainant, who has filed Power of Attorney, which is taken on record. Upon instructions received from SI, Sanjay, State counsel submits that as per investigation conducted till now, an amount of Rs.3 lacs, approximately, has been transferred to the bank account of the petitioner.

At this stage, counsel for the petitioner, upon instructions, submits that

without admitting the allegations levelled in the FIR, petitioner is prepared to deposit the said amount as per the direction given by this Court.

List on 14.12.2023.

Let the petitioner deposit the amount of Rs.3 lacs with the Area Magistrate within a period of two weeks from today. In case, the petitioner deposits the said amount, it shall be kept in a Fixed Deposit with a Public Sector Bank initially for a period of one year with instructions for automatic renewal alongwith interest accrued thereon, to be paid to the party, who is found entitled to it, on the conclusion of the trial. It is clarified that the deposit of the amount by the petitioner would be without prejudice to his right of defence.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date to test his bona fides.”

Learned counsel for the petitioner has made a specific statement that an amount of ₹3 lakhs has already been deposited by the petitioner before the Area Magistrate concerned.

As per the status report filed by the respondent- State, an amount of ₹3 lakhs has been received in the personal account of the petitioner from the Bank account of co-accused Dharma Devi, Firm Dharma Rubber Industries.

It is conceded by learned counsel for the complainant as well as learned State Counsel that no amount was directly received by the petitioner from any of the Firm/ Company of the complainant.

Learned State Counsel, on instructions from ASI Rahul Kumar, also informs that petitioner has already joined the investigation and he is no longer required for further investigation.

In view of the afore-said statement, order dated 07.11.2023 is hereby made absolute. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail by the Investigating Officer subject to his furnishing bail bonds/ surety bonds to the satisfaction of Investigating Officer. 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.

April 29, 2024
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(DEEPAK GUPTA)
JUDGE

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