

217 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-60287-2023

Date of Decision: 23.04.2024

Kuldeep Saini

...Petitioner

vs.

State of Haryana and another

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr. Ram Kumar Saini, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

Mr. Sandeep Saini, Advocate
for respondent No.2/complainant.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 of Cr.P.C., with a prayer to grant anticipatory bail to him in case FIR No.734 dated 23.10.2023, registered under Sections 406, 420, 120-B of IPC and Sections 10, 24 of Immigration Act, at Police Station Shahabad, District Kurukshetra.

2. Learned counsel for the petitioner contends that the present dispute is primarily civil in nature, which has been given the flavour of a criminal offence by the police in collusion with the complainant. He further contends that in fact, the petitioner is also a co-villager and had received only a sum of Rs.26,000/- in his account from the present complainant and it has been falsely alleged that the petitioner had received a sum of Rs.3.50 lakhs from the complainant. Learned counsel further contends that even the said amount of Rs.26,000/- was transferred by him from his bank account to the account of co-

accused Sahil. Without admitting his guilt and just to show his bonafides, learned counsel appearing on behalf of the petitioner has voluntarily offered to deposit a sum of Rs.2 Lakhs with the trial Court/Area Magistrate, within a period of four weeks from today, subject to the outcome of the trial.

3. On the other hand, submissions made by learned counsel for the petitioner have been opposed by learned State counsel, assisted by learned counsel for the complainant. Learned counsel submit that very serious allegations have been levelled against the present petitioner with regard to the acceptance of an amount of Rs.3.50 lakhs from the complainant.

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

5. In the present case, as per record, the amount of Rs.26,000/- was deposited by the complainant in the account of present petitioner through Google Pay, which was further transferred by the petitioner to Sahil, co-accused. The bank statements and other documentary evidence in the present case has already been collected by the police and the custodial interrogation of the petitioner may not be required, at this stage.

6. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

7. The petitioner is directed to deposit a sum of Rs.2 lakhs within a period of four weeks from today with the trial Court/Area Magistrate, which shall be deposited by concerned Court in a fixed deposit in some nationalized

Bank, fetching maximum rate of interest, subject to outcome of the trial. In case, the petitioner does not deposit the amount of Rs.2 lakhs as mentioned above, the present petition shall be deemed to be dismissed.

23.04.2024.
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No