



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-54595-2024 (O&M)
Date of decision: 20.02.2025

Pankaj Sharma

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Puneet Kakkar, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Prayer in this petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS, 2023), is for grant of anticipatory bail to the petitioner in FIR No.443 dated 26.08.2023 (Annexure P-1), under Sections 406 and 420 of the IPC, registered at Police Station Naraingarh, District Ambala.

2. On 13.11.2024, the following order was passed:-

“XX XX XX XX
Learned counsel for the petitioner, at the outset, submits that as per the allegations, the petitioner has received an amount of Rs.95,000/- in his account, and the said amount was transferred by the complainant, at the request of one Pritam Singh, who is an co-accused, and he was not aware about the reasons for the transfer of such amount in his account.

He further submits that in order to show his bona fide, the petitioner is ready and willing to deposit the entire cheated amount, i.e. Rs.5.15 lakhs, in case an adequate protection and sufficient time is granted to him.

Notice of motion.



Learned State counsel accepts notice on behalf of respondent-State, and waives service.

Adjourned to 20.02.2025.

In the meantime, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 482(2) of the B.N.S.S., 2023.

The petitioner is directed that he shall, within a period of one month from today, shall deposit a demand draft for an amount of Rs.2.00 lakhs, drawn in favour of the complainant, and thereafter, within next two months, a demand draft of Rs.2.15 lakhs, drawn in favour of the complainant, shall be deposited with the investigating officer concerned.

The State is directed to file a status report, by way of an affidavit of the investigating officer concerned, on the next date of hearing.”

3. Learned counsel for the petitioner submits that in compliance of the order passed by this Court on 13.11.2024, the petitioner has brought the demand draft of the remaining amount and on account of delay, has also added Rs.10,000/- more and the demand draft of Rs.2.25 lacs has been handed over to learned State counsel, who has further handed over the same to the Investigating Officer i.e. ASI Narinder Kumar, in the Court itself.

4. A photocopy of the demand draft of Rs.2.25 lacs is taken on record as Mark X.

5. Learned State counsel submits that the petitioner has not joined the investigation as he has not brought the demand draft in compliance of the order passed by this Court.



6. In view of the above, the present petition is disposed of and the petitioner is directed to appear before the Investigating Officer within a period of 01 week from today and join the investigation. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS [*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’)*]

7. If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before the learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

8. Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.

(HARPREET SINGH BRAR)
JUDGE

20.02.2025
yakub

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