

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

CRM-M-19244-2015 (O&M)

Date of Decision: October 08, 2015

Shilpa Aggarwal and another

.....Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

Present: Mr.Sunil Chadha, Sr.Advocate with
Mr.Chetan Bansal, Advocate
for the petitioners.

Mr.P.S.Ghuman, Addl.A.G.Punjab.

Mr.Satbir Rathore, Advocate
for the informant.

.....

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 438, Cr.P.C.,
is for grant of anticipatory bail to the petitioners, Shilpa Aggarwal
and Girik Kampania, who have been booked for having
committed the offences punishable under Sections 406 and 420,
IPC, in a case arising out of FIR No.43, dated 01.04.2015,

registered at Police Station, Mukerian, District Hoshiarpur.

On the last date of hearing, the following order was passed:-

“Learned senior counsel contends that he has instructions to state at bar that the petitioners would return ₹6,50,000/- each (Rupees six lacs and fifty thousand only) to aggrieved persons, namely, Gagan Deep Singh and Parveen, within two months of passing of this order. However, he submits that let the petitioners file their written undertaking by way of affidavits.

Learned counsel for the aggrieved persons after taking instructions from them, who are present in Court, has no objection, if the amount is paid to both of them within the time frame, put up by the senior counsel representing the petitioners.

In the interest of justice, adjourned to 08.10.2015, for furnishing the said undertaking.”

Today, the learned senior counsel representing the petitioners has tendered the affidavit of Shilpa Aggarwal alongwith photostat copies of the two bank drafts worth ₹50,000/- (Rupees fifty thousand only) each, which are taken on record. A copy of the affidavit has been handed over to the learned counsel

for the State and the counsel representing the aggrieved persons. The original drafts amounting to ₹50,000/- (Rupees fifty thousand only) each have been handed to the learned counsel for the aggrieved persons, who in turn, has further handed over to Shri Parveen Singh and Gagandeep Singh, who are present in Court. They have gone through the contents of the affidavit and agreed that the remaining amount of ₹12,00,000/- (Rupees twelve lacs only) to be shared by both of them equally, be paid on or before 31.12.2015. They have further agreed that after receipt of the full amount, they will have no objection if the impugned FIR and all consequential proceedings arising therefrom are quashed by way of exercising the jurisdiction under Section 482, Cr.P.C. They further submit that in that regard they would make the statement after getting the full and final payment.

In view of the totality of the facts and circumstances of the case, interim directions issued vide orders dated 05.06.2015 and 08.09.2015 respectively are made absolute. The petitioners shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.P.C.

It is made clear that in the event of failure of the petitioners to abide by the conditions laid down in the affidavit,

dated 07.10.2015, tendered before this Court today, the Investigating Agency/the aggrieved persons would be free to move a petition for withdrawal of the present concession.

October 08, 2015
meenu

(NARESH KUMAR SANGHI)
JUDGE