

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

**CRM-M-7719 of 2015
Date of Decision: 21.7.2015**

Purshotam Sahu

--Petitioner.

Vs.

State of Haryana

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Navneet Singh, Advocate
for the petitioner.

Mr. Ashish Yadav, Additional A.G. Haryana.

Mr. P.M.Anand, Advocate
for the complainant.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No. 75 dated 10.2.2015 under Section 381 IPC registered at Police Station Sector-5, District Gurgaon.

Learned counsel for the petitioner submits that the matter had already been settled between the parties, vide compromise Annexure P-1. However, later on, the complainant had a second thought and became greedy. He further submits that the present FIR was a result of unending greed of the complainant. He concluded by submitting that since the petitioner has joined the investigation in compliance of the order dated 7.5.2015 passed by this Court, he deserves the concession of anticipatory bail. He prays for allowing the present petition.

Learned counsel for the State, on instructions from ASI Amit Kumar, submits that although the petitioner joined the investigation,

yet he did not cooperate with the investigating agency and recovery could not be effected. He prays for dismissal of the present petition.

Similarly, learned counsel for the complainant vehemently opposes the present petition contending that petitioner has caused huge loss to the complainant because of which he is not entitled for the concession of anticipatory bail. He also prays for dismissal of the present petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for the concession of anticipatory bail. It is so said, because compromise Annexure P-1 is not in dispute. Even if some incriminating material is found against the petitioner during the course of investigation, he will face the criminal trial.

In view of the above and without commenting anything further on the merits of the case, lest it should prejudice the rights of either of the parties, order dated 11.3.2015 passed by this Court is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

21.7.2015
AK Sharma