

CRM-M-3183-2016 (O&M)

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

**CRM-M-3183-2016 (O&M).
Decided on: May 25, 2016.**

Reena Syal and another

..... Petitioner(s)

Versus

State of Punjab

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Gautam Dutt, Advocate,
for the petitioner.**

Ms.Simsi Dhir Malhotra, DAG. Punjab.

**Mr.Varun Garg, Advocate,
for the complainant**

M.M.S. BEDI, J (ORAL).

Earnest money was allegedly received by the petitioners in a fraudulent manner to the extent of Rs.12,80,000/- from the complainant Vijay Kumar. It is admitted that a sum of Rs.6 lacs has already been returned by paying money under the interim orders passed by this Court.

The Investigating Officer present in the Court informs that a bank draft of Rs.2 lacs has been submitted by the petitioners pursuant to interim order dated 17.3.2016.

Counsel for the petitioners has submitted that he has got instructions to give an undertaking to the Court that the petitioners will pay balance sum of Rs.6,80,000/- within a period of

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three months.

Counsel for the complainant has doubted the intention of the petitioners to return the amount.

Without expression of any opinion regarding the intention of the petitioners, I deem it appropriate to grant concession of pre-arrest bail to the petitioners subject to the condition that the petitioners will fulfill their commitment given in the shape of undertaking.

The petition is allowed. It is ordered that in case of arrest of the petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the following conditions:

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i) that the petitioners will join investigation as and when required;

ii) that the petitioners will hand over a sum of Rs.6,90,000/- in three equal installments of Rs.2,30,000/- each on 25.6.2016, 25.7.2016 and 25.8.2016 in the shape of bank drafts in the name of the complainant. Sum of Rs.10,000/- paid extra will be deemed to be the additional cost for the harassment caused to the complainant without prejudice to the right of the complainant to recover interest on the amount used by the petitioners; and

iii) that the petitioners will not make any attempt to tamper with the evidence or hamper investigation, in any manner.

It is made clear that in case of non-payment of any

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of the three installment as per the undertaking, it will be open to the complainant either to launch proceedings under the Contempt of Courts Act or simultaneously seek cancellation of bail.

The bank draft of Rs.2 lacs lying with the Investigating Officer can be handed over to the complainant against a memo.

The bank drafts of each of the three installments shall be deposited with the Investigating Officer, who will hand over the same to the complainant against a memo every time forthwith.

May 25, 2016.
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(M.M.S. BEDI)
JUDGE