

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

CRM-M-3785 of 2016 (O&M)
Date of decision : 08.08.2016

Vishal Gupta

...Petitioner (s)

Versus

State of Haryana and anr.

...Respondent (s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Rajesh Pal, Advocate
for the petitioner (s).

Mr. Saurabh Mohunta, DAG, Haryana

Mr. Gaurav Singla, Advocate for
Mr. Kamal Chaudhary, Advocate
for the complainant.

JITENDRA CHAUHAN, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in a case FIR No.347, dated 27.12.2015, registered under Section 420 of the Indian Penal Code (IPC), at Police Station Chandimandir, District Panchkula.

In pursuance of order dated 22.04.2016, the learned counsel for the petitioner has tendered the manager's cheque, drawn on HDFC, Panchkula, Sector 25, Panchkula amounting to ₹3,50,000/- bearing number 002064, in the Court and photocopy of the same is taken on record as Mark 'A'. Further, the said draft is handed over to the complainant-Subedar

Vijyant Kumar, who is present in person. On receipt of same, the said Subedar Vijyant Kumar undertakes to hand over the vacant possession of the premises i.e. Flat No.179, Ist Floor, Sector 25, Panchkula on or before 31.12.2016. He further undertakes to withdraw the complaint filed by him under Section 138-A of the Negotiable Instruments Act before the learned Judicial Magistrate Ist Class, Panchkula. It is further agreed between the parties that the petitioner shall not claim any rent towards the accommodation, whereas, respondent No.2-complainant will not claim anything towards interest on the payment made by him. The learned counsel for the petitioner, on instructions, states that the petitioner has not made any complaint against respondent No.2, however, he undertakes that in the eventuality of such complaint/FIR filed by the petitioner against respondent No.2, the petitioner will withdraw the same within three weeks from today.

In view of consensus reached between the parties, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 11.02.2016, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

08.08.2016

ashok

**(JITENDRA CHAUHAN)
JUDGE**

Whether speaking/reasoned: Yes / No

Whether reportable: Yes / No