

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-20706-2016 (O&M)
Date of Decision : 09.01.2017

Hari Shanker Tibrewala

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mukul Agarwala, Advocate
for the petitioner.

Mr. Vikramjit Singh, Addl. AG, Haryana.

Mr. Himmat Deol, Advocate
for the complainant.

SURINDER GUPTA J. (Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 76 dated 23.06.2012, registered for offences punishable under Sections 406, 420, 467, 468, 471 and 120-B IPC at Police Station Udyog Vihar, Gurgaon, District Gurgaon.

Heard.

Notice of motion.

On asking of the Court, Mr. Vikramjit Singh, Addl. AG, Haryana, who is present in the Court, accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

The petitioner was allowed interim bail vide order dated 13.07.2016.

It has been submitted that demand draft/post dated cheque of

₹6,50,00,000/- has already been encashed and the petitioner has also given demand draft of ₹73 lacs in the name of complainant. Learned counsel for the petitioner further submits that entire payment of ₹13 crores has been made to the complainant under the settlement, as such, nothing is now outstanding. The complainant has accepted the payment made by the petitioner as full and final settlement of its claim .

Submissions made by learned counsel for the petitioner have not been contested by learned counsel for the complainant or learned State counsel.

Without expressing any opinion on merits of the case, the present petition is allowed. Petitioner-Hari Shanker Tibrewala is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurgaon subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the previous permission of the Court.

January 09, 2017
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(SURINDER GUPTA)
JUDGE