

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-28234 of 2017

Date of Decision: 10.10.2017

Vishal Sharma @ Lokesh Sharma & anr.

....Petitioners

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Yogesh Goel, Advocate
for the petitioners.

Mr. V.G. Jauhar, Sr. D.A.G. Punjab.

Mr. Gaurav Chopra, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No. 35 dated 20.02.2015 registered for offences punishable under Sections 406, 420 read with Section 120-B of Indian Penal Code (for short 'IPC'), at Police Station PAU, District Ludhiana.

Heard.

Learned counsel for petitioners submits that the matter has since been amicably settled between the parties and under the settlement payment of ₹18 lacs is to be made to M/s Jaldhara Fibers Pvt. Ltd. through its director Vinod Garg (complainant).

Learned counsel for complainant on instructions from complainant-Vinod Garg, who is present in Court, submits that the matter has since been amicably settled between the parties and petitioners have to make payment of ₹18 lacs to complainant. He further submits that on

payment of ₹18 lacs, complainant has no objection if the instant petition is allowed and also for quashing of instant FIR qua petitioners, namely, Vishal Sharma and Aditya Kashyap.

Learned counsel for petitioners has handed over demand draft bearing no. 010959 dated 06.10.2017 amounting to ₹18 lacs, drawn on HDFC Bank, Andheri West Lokhandwala, Mumbai to learned counsel for complainant, copy of which has also been placed on file.

As the matter has been amicably settled by the parties, the instant petition is allowed and petitioners are directed to surrender before the police and join investigation within a week. In the event of their arrest being required, they shall be released on bail till presentation of challan, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of bail allowed to them and will seek regular bail on presentation of challan.

However, it is made clear that in the event, petitioners failing to join the investigation as and when so required, they will lose the benefit of bail allowed to them.

October 10, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No