

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-28727 of 2017
Date of Decision: 10.11.2017

Raman Lakha

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Karan Padam, Advocate
for Mr. Aakash Gupta, Advocate
for the petitioner.

Mr. C.L. Pawar, Sr. D.A.G., Punjab

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.85 dated 07.04.2016 registered for offences punishable under Sections 406, 420 of Indian Penal Code (for short, "IPC") and 13 of Punjab Travel Profession Regulation Act, at Police Station Navi Baradari Jalandhar, District Jalandhar.

Heard.

Learned State counsel submits that originally complaint was filed by complainant against Krishna Khatri. In the original complaint, complainant has mentioned that he made payment of ₹1 lac through cheque. However, he is not in a position to tell from police file that the cheque was issued in favour of Krishna Khatri or to anyone else. Complainant has mentioned about payment of ₹2 lacs on 24.08.2014 and ₹1.5 lac on 18.09.2014. Though, he has given details of these payments but has not specifically mentioned as to whom these payments were made.

The matter has been amicably settled with Krishna Khatri, who has made part of the payment to complainant. Cheque of ₹1 lac given to complainant for payment as per settlement was also issued by Krishna Khatri.

Learned counsel for the petitioner submits that the complainant had deal with Krishna Khatri and had entered into an agreement with him. The petitioner is also not party to any compromise.

It is a matter of investigation as to whether the petitioner was paid any amount by complainant, as no amount through any cheque was paid to him. About the cash payment, there is nothing that it was specifically made to petitioner.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Raman Lakha is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, 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.

November 10, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No