

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-29845 of 2017(O&M)

Date of Decision: 01.11.2017

Vinod Kumar

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Manvender Chauhan, Advocate for the petitioner.

Mr. Ramakant Sharma, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the instant petition filed under Section 439 Cr.P.C seeking benefit of regular bail pending trial in case FIR No.444 dated 5.10.2016 under sections 406, 420 I.P.C, registered at Police Station, Gannaur, District Sonapat.

On 30.8.2017, the following order was passed by this Court:-

“This is the second petition preferred by the petitioner under Section 439 Cr.P.C. seeking benefit of regular bail pending trial in case FIR No.444, dated 05.10.2016, under Sections 406/420 IPC, registered at Police Station Gannaur, District Sonipat.

As per prosecution version, the present petitioner has allegedly acted in connivance with one Suresh Patwari and has impersonated himself i.e. Vinod Kumar son of Pirthi to be the owner of the land ad measuring 7 acres and 5 kanals and having thereby facilitated Suresh Patwari entering into an agreement to sell, collaboration agreement and power of attorney in respect of such land with the complainant.

The present petitioner is Vinod son of Raghbir. The real owner who he had allegedly impersonated is Vinod Kumar son of Pirthi.

During the course of arguments, it has gone uncontroverted that an amount of Rs.34,93,437/- were deposited in the account of the present petitioner by way of demand draft and such amount was thereafter withdrawn by the petitioner. That apart, ₹3 lakhs in cash were also received by the petitioner.

Petitioner has been in custody since 15.01.2017.

Counsel appearing for the petitioner would concede that the aforementioned amount by draft and by cash had been received by the petitioner but the same after withdrawal was made over to co-accused Suresh Patwari and who in turn passed on the amount to the real owner i.e. Vinod Kumar son of Pirthi.

It is further contended that a compromise has been effected with the complainant party and on the strength of which a quashing petition under Section 482 Cr.P.C. i.e. CRM-M-28710-2017 has been filed in this Court and in which notice of motion has been issued for 10.10.2017 and the parties had been directed to appear before the Illaqa Magistrate/trial Court on 01.09.2017 for recording of their statements in support of the compromise.

In the light of such stand taken, hearing in the present petition is deferred to 24.10.2017.

In the meanwhile, petitioner is granted interim bail for a period of one week commencing w.e.f. 31.08.2017 subject to satisfaction of the trial Court.”

During the course of arguments today it has gone uncontroverted that a compromise has been effected between the parties and on the strength of which a quashing petition i.e. CRM No. M-28710 of 2017 was filed in this Court under Section 482 Cr.P.C and the same has been allowed on 10.10.2017 by a Coordinate Bench of this Court and the FIR in question stands quashed on the basis of compromise.

Under such undisputed factual premise, the instant petition is disposed of as having been rendered infructuous.

(TEJINDER SINGH DHINDSA)
JUDGE

01.11.2017
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No