

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

**CRM No. M-35637 of 2015 (O&M)
Date of Decision: 04.05.2017**

Ramesh Sandhu

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. R.S. Tacoria, Advocate for the petitioner.

Mr. C.S. Bakshi, Additional Advocate General, Haryana.

Mr. Aman Pal, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the instant petition filed under Section 439 Cr.P.C. seeking benefit of regular bail to the petitioner pending trial in case FIR No.38, dated 07.02.2015, under Sections 406/420/506/120-B IPC, registered at Police Station Sector-5, Panchkula.

FIR was registered on the allegations levelled by the complainant Subhash Chander Kohar alleging that he was induced to furnish bank guarantee by Rs.50 lakhs of the petitioner for inducing him as a partner in his business venture of providing security services. Bank guarantee was encashed by the Marketing Board for non performance of the security services. Precise allegation was that the complainant was neither induced as a partner nor the money has been refunded.

On 21.01.2016, , the petitioner was directed to be released on interim bail by taking cognizance of an affidavit placed on record of the

complainant reflecting the compromise.

Thereafter, during the course of resumed hearing on 05.12.2016, this Court had noticed that there was an outstanding amount of Rs.8.80 lakhs to be made over to the complainant party. An opportunity of one months time was granted to the accused party/present petitioner.

Thereafter, on 17.02.2017, the following order was passed by this Court:

“This order is in continuation of the order dated 05.12.2016 passed by this Court.

Mr. R.S. Tacoria, Advocate appearing for the petitioner(s) prays for one last opportunity of two months time to make good the remaining outstanding amount of Rs.8.80 lacs.

Mr. Aman Pal, learned counsel appearing for the complainant states that the amount of Rs.8.80 lacs was due and payable as on the last date of hearing but on account of interest having accrued, the liability as of date would be Rs.9.30 lacs approximately.

Counsel appearing for the petitioner very fairly admits to even such liability.

Accordingly, hearing in the instant petition is deferred to 04.05.2017.

Undertaking of the petitioner, who is present in Court is recorded that the balance amount along with interest would be made over positively by 26.04.2017. Furthermore, even an undertaking of the petitioner is recorded that by the next date of hearing, he would get the original documents pertaining to property in question released from the Punjab National Bank.

It has been made clear that in case there be default of the undertaking recorded of the petitioner today, the present

petition seeking benefit of bail would be dismissed.

Interim order to continue till the next date of hearing.

A photocopy of this order be placed on the connected file of this case.”

Mr. Aman Pal, learned counsel representing the complainant submits that the entire amount including component of interest as well has been paid by the petitioner.

Learned State counsel would apprise the Court that the investigation is complete and challan has been presented qua the present petitioner.

In the light of such factual position noticed hereinabove, prayer made in the present petition is accepted. Order dated 21.01.2016 passed by this Court is made absolute.

Disposed of.

04.05.2017

Harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |