

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

CRM-M -42880 of 2016 (O&M)
Date of decision: 16.08.2017

Subrat Saxena

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. S.K. Tripathi, Advocate for
Mr. Gautam Dutt, Advocate for the petitioner(s).

Ms. Mahima Yashpal, AAG, Haryana.

Mr. P.K. Ganga, Advocate for respondent No.2.

Jitendra Chauhan, J. (Oral)

CRM-23501-2017

The present CRM is for modification of order dated
14.07.2017.

Heard.

The order dated 14.07.2017 was passed in the presence
of both the counsel. There is no ambiguity in the order. The present
application is totally mis-conceived. In fact, out of agreed amount of
Rs. 35 lakh, only Rs. 10 lakh has so far been paid.

Dismissed.

Main Case

By filing the present petition under Section 438 of the

Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.1116 dated 09.10.2016, registered under Sections 323, 376, 377, 380, 452, 506 read with Section 34 of IPC, at Police Station Gurgaon Sadar, District Gurgaon.

On 01.12.2016, this Court had passed the following order:-

“On oral request, the petitioner is permitted to implead the complainant as respondent-party. Amended memo of parties be filed and thereafter notice of motion be issued, returnable for 23.02.2017.

In the meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on bail to the satisfaction of the arresting/investigating officer subject to the conditions laid down in section 438 sub section 2 clauses (i)(ii) and (iii) of the Code of Criminal Procedure.”

It is contended that in pursuance of the order dated 01.12.2016, the petitioner has joined the investigation. The petitioner undertakes to pay the remaining amount as per the settlement reached between the parties.

The learned State counsel, on instructions submits that though the petitioner has joined the investigation.

In view of the statement made by learned counsel for the petitioner, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 01.12.2016, is

made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

However, in case of any breach of settlement by the petitioner, respondent No.2 as well as State shall have liberty to revive the present petition.

16.08.2017

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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