

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

**CRM No.M-5720 of 2016 (O&M)
Decided on: 28.11.2017**

Ajay KumarPetitioner

Versus

State of HaryanaRespondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. R.S. Tacoria, Advocate for the petitioners.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Aman Pal, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.38 dated 07.02.2015 registered under Sections 406, 420, 506 and 120-B IPC at Police Station Sector 5, Panchkula.

Counsel for the petitioners has submitted that in pursuance to the order dated 17.02.2016 and subsequent directions, the petitioner has appeared before the trial Court and complied with the directions given by this Court. Counsel for the petitioner has further submitted that a compromise has been effected between the parties. It is further submitted that the co-accused namely Ramesh Sandhu has been granted the concession of regular bail by this Court vide order dated 04.05.2017 passed in CRM-M No.35637 of 2015. The operative part of the order dated 04.05.2017 reads as follows:-

“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 inducting 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 inducted 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.”

Counsel for the State, on instructions from SI Sukhbir Singh and assisted by counsel for the complainant has not disputed the factual position and states that the petitioner is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 17.02.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

28.11.2017
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No