

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

CRM No. M-538 of 2017 (O&M)

Date of Decision: 04.05.2017

Dalbir Saini

--Petitioner

Versus

State of Haryana

--Respondent

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

Present:- Mr. J.S. Ghumman, Advocate for the petitioner.

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

Mr. Ram Bilas, Advocate for the complainant.

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TEJINDER SINGH DHINDSA, J.

Petitioner seeks concession of pre-arrest bail in case FIR No.558, dated 24.06.2016, under Sections 420/406 IPC, registered at Police Station City Gurgaon, District Gurgaon.

While issuing notice of motion, the following order was passed by this Court on 12.01.2017.:

“Petitioner seeks concession of pre-arrest bail in case FIR No.558 dated 24.06.2016, under Sections 420/406 of Indian Penal Code, registered at Police Station City Gurgaon, District Gurgaon.

Counsel submits that even as per version of the complainants, the total dispute was with regard to a sum of Rs.35 lacs and out of which an amount of Rs.15 lacs already stands paid and the outstanding amount is Rs.22 lacs.

Counsel does not dispute the liability. Rather he furnishes an undertaking to bring on the adjourned date two demand drafts of Rs.5 lacs each drawn in the name of Yoginder and Anil

Kumar.

Notice of motion, returnable by 06.02.2017.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.

It has been made clear to the counsel that in the eventuality of the petitioner not fulfilling the undertaking that has been duly recorded today, the present petition would be dismissed.”

Thereafter, the matter was taken up on 06.02.2017 and the matter was adjourned to today in the following terms:

“CRM-3207-08-2017:

Applications are allowed as prayed for. The complainants i.e. Anil Kumar, Advocate and Yogender Singh, Advocate are permitted to be impleaded as party respondents No.2 & 3 respectively. The accompanying amended Memo of Parties is taken on record.

Applications are disposed of.

Main case:

Learned counsel appearing for the petitioner has furnished in Court today, two demand drafts of Rs.5 lacs each in the names of Anil Kumar and Yogender complainants.

The drafts have been handed over to the counsel appearing for the complainants.

A Xerox copy of the demand drafts has been placed on record at mark 'A'.

During the course of hearing today, it has gone uncontroverted that out of the total disputed amount of Rs.35 lacs, Rs.15 lacs had already been paid by the

petitioners/accused to the complainants. After adjusting Rs.10 lacs that has been furnished today in Court by way of two separate demand drafts, counsel appearing for the petitioner furnishes an undertaking that the outstanding amount of Rs.12 lacs would be made over to the complainants positively within a period of 10 weeks from today.

List on 04.05.2017.

Interim protection to continue till the next date of hearing.”

During the course of hearing, it has gone uncontroverted that the outstanding amount of Rs.12 lakhs has already been made over to the complainant and as such, the undertaking recorded by this Court has been complied with in entirety.

In the light of such factual position, custodial interrogation of the petitioner would not be warranted.

Accordingly, prayer made in the instant petition is accepted.

Order dated 12.01.2017 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 |