

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

CRM-M-22167-2018
Date of decision: 27.07.2018

Harpreet Singh Sabharwal

... Petitioner

versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Amandeep Soni, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

Mr. A.K.Gupta, Advocate
for the complainant.
Complainant in person.

Raj Shekhar Attri, J.(Oral)

The present petition has been filed under Section 439 Cr.PC for grant of regular bail in case FIR No.181 dated 16.09.2016 registered under Sections 406, 420, 465, 468, 471 and 506 IPC and Section 13 Punjab Travel Professional Regulation Act, 2014 at Police Station Division No.8, District Jalandhar.

Separate replies filed on behalf of the State and the complainant in Court today are taken on record.

Heard.

Learned counsel for the petitioner submits that the petitioner is in custody since 16.04.2018 and the FIR has been registered after a delay of two years.

Learned counsel for the complainant submits that the complainant paid Rs.9 lakhs to the petitioner but the later failed to return the same.

However, learned counsel for the petitioner submits that the petitioner is ready to deposit Rs.4,50,000/- before the learned trial Court.

Keeping in view the circumstances of the case, this Court deem it appropriate that in case the petitioner pays an amount of Rs.4.50 lakhs by way of bank draft or in cash to the complainant before learned trial Magistrate, that amount shall be released to the complainant on his furnishing surety bond in the sum of Rs.5 lakhs to the effect that in case any Court ordered to return this amount, he shall return to the petitioner and on failure the surety shall be liable. However, deposition of this amount shall be without prejudice to the rights of the petitioner and shall be subject to the ultimate decision. In case, the petitioner comply with this order and pay an amount of Rs.4.50 lakhs as aforesaid, in that eventuality, he shall be released on bail to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

27.07.2018
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(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/non-speaking?
Whether reportable?

Yes/No
Yes/No