

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

CRM-M-38720-2018 (O&M)  
Date of Decision:-1.11.2018

Vijay Kumar and another ... Petitioners

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Ms. Puja Chopra, Advocate for the petitioners.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

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**GURVINDER SINGH GILL, J.**(Oral)

Mr. Deepak Kumar, Advocate has put in appearance on behalf of the complainant and has filed Vakalatnama, which is taken on record.

By way of filing this petition, the petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No.114 dated 6.6.2018 under Sections 406 and 420 of Indian Penal Code, 1860 (Section 13 of the Travel Professional Regulation Act, 2014 was added subsequently) at Police Station Adampur, District Jalandhar Rural.

As per allegations levelled in the FIR, which was lodged at the instance of the complainant Balbir Singh and Vijay Kumar son of Gurbachan Dass, the accused, who is also named as Vijay Kumar (son of Gorakh Nath) his wife Dalbir Kaur and Vishal Sharma had taken an amount of ₹ 3.20 lacs from the complainant Vijay Kumar; and an amount of ₹ 2.75 lacs from

Balbir Singh on the pretext of sending them to Portugal, but neither they were sent to Portugal nor the amount was returned.

The learned counsel for the petitioners has submitted that infact a compromise had been effected amongst the parties i.e. Annexure P-3, as per which, the matter was settled for ₹ 4 lacs out of which an amount of ₹ 1.5 lacs was to be paid by petitioner No.1 Vijay Kumar son of Gorakh Nath and the remaining amount of ₹ 2.5 lacs was to be paid by the co-accused Vishal Sharma. It was further recited therein that in case Vishal Sharma backs out from the compromise, then legal action would be taken against him. The learned counsel for the petitioners has submitted that in accordance with the terms of compromise an amount of ₹ 1.5 lacs has already been paid by the petitioners by way of cheque.

The learned counsel for the complainant present in the Court is not denying the fact that an amount of ₹ 1.5 lacs has been received by the complainant. However, the learned counsel for the complainant, while opposing the present petition has submitted that the alleged compromise is not a genuine compromise and infact the complainant was forced to sign on the said compromise while he was in the police station and that the said compromise was scribed by the police official himself. It has further been submitted that the total amount in question is ₹ 5.90 lacs and that the remaining amount is still to be recovered.

The learned State counsel is also opposing the present petition and has informed that there are two other cases against the petitioners.

The learned counsel for the petitioners has, however, informed that the petitioners are already on anticipatory bail in said cases.

It has been informed by learned State counsel, upon instructions from Head Constable Bhagwant Singh, who is present in Court, that the petitioners have joined investigation.

Having regard to the facts and circumstances of the case and that the petitioners have already joined investigation, the present petition is hereby accepted and the interim directions issued by this Court vide order dated 14.9.2018 are hereby made absolute subject to the condition that the petitioners shall appear before the Investigating Officer as and when directed.

The present petition stands accepted accordingly.

**1.11.2018**

pankaj

**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned                      Yes / No

Whether Reportable                                  Yes / No