

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

CRM-M-6138-2018

Date of decision:- 21.4.2018

Sunil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr.Raghav Gulati, Advocate
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

H.S. MADAAN, J. (Oral)

This petition has been filed for the grant of regular bail to the petitioner – Sunil Kumar, an accused in FIR No.35 dated 17.4.2011, under Sections 420/120-B IPC, registered at Police Station Thermal, District Bathinda.

Briefly stated, facts of the case are that criminal machinery in this case was set into motion by Surjit Singh son of Gurdev Singh, resident of H.No.5694, Mohalla Akalgarh, Bathinda aged about 48 years, who in his statement made to the police stated that he is running a factory in Industrial Area; that in the month of September, 2011, petitioner Sunil Kumar got conducted a seminar at Jeet Palace, Bathinda, who represented that he was member of the Executive Core Committee and whosoever invested the money in their company would get the double amount in six

months, therefore, the complainant and other persons made investment with that concern; the complainant gave cheque in the sum of Rs.4 lakhs; subsequently, he took a sum of Rs.4,85,000/- in cash; that the amount was not returned to the complainant, therefore, FIR was lodged. During the course of investigation, the petitioner was arrested. He was granted regular bail, however, he absented during the trial and his bonds were cancelled. He moved an application for pre arrest bail in this Court. In view of the directions issued, he had surrendered in the trial Court and moved an application for regular bail, which was, however, dismissed by the trial Court. Now, the petitioner has approached this Court for grant of the same relief on the basis of compromise said to have been effected between him and the complainant. Copy of the written compromise in that regard has been placed on record.

Learned State counsel on instructions from HC Balwinder from P.S. Thermal, District Bathinda has stated that he has got the factum of compromise between the parties verified. Learned State counsel has also filed custody certificate in respect of the petitioner, as per which the petitioner has undergone 2 months and 26 days in this case as today.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

Without touching the merits of the case, the petition is allowed. The petitioner be admitted to bail during the pendency of the trial, subject to his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate, Bathinda, subject to the following conditions:

(i) He shall appear in the Court on each and every date of hearing.

(ii) He shall not give any threat or intimidation to the prosecution witnesses.

(iii) He shall not leave India without prior permission of the Court.

In addition to that the trial Court may impose any term and condition found suitable to ensure that the petitioner does not abscond and interfere in the trial.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

21.4.2018
Brij

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No