

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M No. 7206 of 2018 (O&M)

Date of decision : 26.3.2018

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Gurbax Singh

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Arjun Sheoran, Advocate
for the petitioner.

Mr. Gaurav Bansal, Assistant Advocate General,
Haryana.

Mr. Madhur Goyal, Advocate for the complainant.

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H. S. Madaan, J. (Oral)

Mr. Madhur Goyal, Advocate has appeared on behalf of the
complainant by filing vakalatnama.

Custody certificate filed by the State counsel.

Learned counsel for the petitioner states that the matter has
since been compromised between the parties. A photocopy of the
written compromise has been placed on the file. This fact is admitted
by the Learned counsel appearing for the complainant.

Learned counsel for the petitioner has submitted that petition
of the co-accused of the petitioner, namely, Vijay and Pritpal Singh

@ Prithvi has since been granted regular bail by the Learned Sessions Judge, Ambala. He prays that as the matter has been amicably settled between the parties, the concession of bail be granted to the present petitioner.

Heard.

Briefly stated, the facts of the case as per the prosecution version are that the FIR in question was recorded on the basis of written complaint filed by one Vijay Kumar on the allegations that a sum of Rs. 27 lacs, has been misappropriated from the saving bank account of his brother Rajinder Kumar. Thereafter Rajinder Kumar had gone to Germany. After registration of the FIR accused Devinder Kumar was arrested. The allegations against the present petitioner are that he had conspired alongwith Devinder Kumar in misappropriation of the amount and had received Rs.50,000/- out of the said amount.

After hearing learned counsel for the petitioner, learned counsel for the complainant, learned State counsel, besides going through the record, I find that since the matter has been amicably settled between the parties, vide written compromise, though challan has been filed and the trial is stated to be at preliminary stage, It would be proper and appropriate if the petition is accepted.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Ambala, subject to the following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing;

ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and

iii) that the petitioner shall not leave India without the prior permission of the Court and shall surrender his passport, if he has got one, otherwise to furnish affidavit in that regard.

In addition to this 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 violate any term and condition on which the bail has been granted to him, this order shall be liable to be withdrawn.

26.3.2018
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No