

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-62287 of 2018 (O&M)

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Date of decision:24.07.2019

Kamal Sharma

.....Petitioner

v.

State of Punjab

.....Respondent

.....

Present: Mr. Padam Kant Dwivedi, Advocate for the petitioner.

Mr. Sidakmeet Singh Sandhu, Assistant Advocate General,
Punjab for the respondent-State.

Mr. Rahul Vijay Singh Chugh, Advocate for the complainant.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.281 dated 30.12.2017 registered for the offences under Sections 406, 420 and 120-B IPC at Police Station Phase I, S.A.S. Nagar (Mohali).

Notice of motion has been issued in this case.

Mr. Sidakmeet Singh Sandhu, learned Assistant Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Rahul Vijay Singh Chugh, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties and learned Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

Learned counsel for the petitioner has stated that the complainant is demanding ₹18 Lakhs, which is excessive and he is ready to

pay ₹10 Lakhs as full and final settlement.

Learned counsel for the complainant on the other hand stated that the petitioner is not ready to settle the dispute between the parties for ₹10 Lakhs.

At the time of arguments, it is admitted fact that the petitioner is not disputing the liability regarding payment of amount and even on the earlier date he has given the statement that he is ready to pay ₹10 Lakhs. The fact that the petitioner earlier gave the cheques which have been dishonoured also admitted but the learned counsel for the petitioner states that the complainant has not filed complaint under Section 138 of the NI Act.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, this petition is allowed. The interim order dated 15.1.2019 passed by this Court granting interim bail to the petitioner is made absolute subject to the condition that the petitioner will give demand draft of ₹6 Lakhs to the Investigating Officer for handing over to the complainant within 20 days from today. However, it is made clear that if the said demand draft is not given within the stipulated period, then this petition will be treated as dismissed. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

July 24, 2019.

(Inderjit Singh)
Judge

hsp

NOTE: Whether speaking/reasoned: Yes

Whether reportable: No