

210 (2 cases)

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

**CRM-M-10281 of 2020 (O&M)
DATE OF DECISION : 06.08.2020**

Amit and another

...Petitioner

Versus

State of Haryana

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Partap Singh, Advocate,
for the petitioners.

Mr. Vikrant Pamboo, DAG Haryana.

Mr. Sandeep Kotla, Advocate
For the complainant.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. Petitioners Amit and Agam Tyagi are seeking regular bail in FIR No. 277 dated 06.07.2019, registered under Sections 406, 420, 467, 468, 471, 506 read with Section 120-B IPC, Police Station City, Hisar.

2. Per FIR, complainant Jasdeep Singh is engaged in the business of Solar Consultancy and had dealings with a solar panel selling entity, owned by one Diganant Tyagi. It is alleged that an order worth Rs.82 lacs was placed with entity of Diganant Tyagi and an advance amount of Rs.70 lacs was remitted through bank transaction. Neither the goods were delivered nor the amount was returned. When the complainant visited the office of Diganant Tyagi, the office was found closed. It is the case of the complainant that petitioner No.2 Agam Tyagi, brother of Diganant Tyagi, not only intimidated him but also forged documents to extract money from him fraudulently.

3. Learned counsel for the petitioner submits that the matter has now been compromised between the parties and settled for Rs.75 lacs. Out of which

the accused (including the petitioners) have already made payment of Rs.64,60,000/- to the complainant on different dates. However, the remaining amount of Rs.10,40,000/- could not be made as the bank account of co-accused Diganant Tyagi is/was frozen. The petitioners along with co-accused Diganant Tyagi have filed CRM-M-8159 of 2020 seeking quashing on the basis of compromise and one of the petitioners therein i.e. Diganant Tyagi is having no objection if an amount of Rs.10,40,000/- is credited/ transferred from his bank account to the account of complainant. He further submits that to show their bonafides and to comply with terms and conditions of compromise, co-accused Diganant Tyagi has sent an application to the concerned Station House Officer for de-freezing of his bank account and also submitted the application to his bank for remittance, yet the said exercise has not been carried out.

3. On a query of Court, learned State counsel submits that either the Station House Officer himself or any other police official deputed by him will take up the matter with bank. Pursuant to the application of the petitioner, necessary remittance in favour of the complainant shall then be caused through the bank.

4. Learned counsel for the complainant states that he has no objection for grant of concession of bail to the petitioners as long as the balance amount of Rs.10,40,000/- is paid to the complainant by way of bank remittance.

5. In the premise, the petition is allowed. The petitioners shall be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Hisar, as the case may be.

6. SHO concerned is directed to carry out the requisite process of transfer of money from the account of co-accused Diganant Tyagi (petitioner in CRM-M-8159 of 2020) in favour of the complainant. Diganant Tyagi shall be

at liberty to depute any police officials for doing the needful. It is made clear that in case there is any deviation on the part of the petitioners and co-accused Diganant Tyagi in making the requisite balance payment, as per undertaking *ibid*, the State would be at liberty to seek cancellation of bail granted to the petitioners.

August 6, 2020
Jiten

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No