

CRM-M-23567-2020

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

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Date of decision:22.12.2020

Raj Kumar

...Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. R.K.S. Brar, Advocate for the petitioner.
Mr. Rana Harjasdeep Singh, DAG, Punjab.
Mr. Vivek Kumar Thakur, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the

petitioner seeks anticipatory bail in case FIR No.147 dated 22.07.2020

registered under Sections 420 and 406 IPC, at Police Station Nangal,

District Rupnagar.

This Court, on 20.08.2020, passed the following order:

“Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No.147 dated 22.07.2020 registered under Sections 420 and 406 IPC, at Police Station Nangal, District Rupnagar.

Learned counsel for the petitioner submits that the allegations against the petitioner pertains to the year 2014 and the matter is purely civil in nature.

In the present case, there is an agreement dated 06.07.2015 but neither suit for specific performance has been preferred, nor any Court has been approached, so that the said agreement could have been implemented, by the complainant. The copy of agreement to sell dated 06.07.2015, submitted by the learned counsel for the petitioner through email is taken on record.

Learned counsel for the petitioner very fairly submits that since there is a compromise between the parties to return Rs.8.5 lakhs to the complainant and he sticks to that, but due

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to Covid-19 situation, the amount could not be arranged by the petitioner. He prays that let the reasonable time be given to the petitioner to return the said amount.

Notice of motion.

On the asking of this Court, Mr. H.S. Sitta, AAG Punjab accepts notice on behalf of the respondent-State.

Learned State counsel assisted by the learned counsel for the complainant, submit that though there was a compromise but the said amount has not been paid till date.

Adjourned to 22.12.2020.

Meanwhile, the petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438(2) of the Code of Criminal Procedure.

Learned counsel for the petitioner is directed to pay Rs. 2 lakhs within a period of one month and the remaining amount within a further period of six months in installments, to the complainant.”

Learned counsel for the petitioner submits that pursuant to the order dated 20.08.2020 passed by this Court, the petitioner has joined the investigation and paid Rs.2 lakhs to complainant-Shalinder Singh on 18.12.2020, receipt of which has been filed through email and same is taken on record.

Learned State counsel, on instructions from ASI Balbir Singh, submits that the petitioner has joined the investigation and is now not required for any further investigation.

In view of the above, without commenting on the merits of the case, the present petition is allowed and the order dated 20.08.2020 granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

22.12.2020

ishwar

(HARNARESH SINGH GILL)

JUDGE

Whether reasoned/speaking? Yes/No

Whether reportable? Yes/No