

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

**CRM-M-28995-2019(O&M)
DATE OF DECISION : 30.09.2020**

Kamal Kumar &Ors.

...Petitioners

Versus

State of Punjab &Anr.

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. AtulGoyal, Advocate,
For the petitioners.

Mr.P.S.Walia, AAG Punjab

Mr.NitinThatai, Advocate
For the complainant-respondent No.2.
(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

1. This is a petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.201 dated 18.12.2018, registered under Sections 420 read with Section 120-B IPC, Police Station Division No.3, Ludhiana.
2. During pendency of the instant petition, in order to explore the possibility of compromise amongst the parties, the petitioners were ordered to be released on interim bail vide order dated 25.07.2019. The said order is still continuing and the petitioners are on interim bail.
3. On the last date of hearing, following order was passed:-

“Learned counsel for the petitioners submits that due to current scenario caused by Covid-19 pandemic, despite best efforts by the petitioner, he is unable to sell any of the assets to raise the money. On the other hand, petitioner No.1 is currently admitted in Dayanand Medical College and Hospital (DMC), Ludhiana due to serious respiratory issues. Though this Court was initially not inclined to extend the period for making the balance of money, however in the peculiar circumstances caused by the Covid-19 pandemic coupled with the hospitalization of petitioner No.1, the time granted to the petitioners vide order dated 12.06.2020 is extended by 60 days to make the balance payment and settle the matter.

Learned counsel for the petitioners states that Rs.20 lakhs had already been paid to the respondents in December, 2019 and Rs.10 lakhs was paid in June, 2020 and draft of another Rs.20 lakhs has already been prepared and will be handed over to the learned counsel for the complainant today. Accordingly, out of Rs.80 lakhs, it is a balance of Rs. 30 lakhs, which is to be paid by the petitioners.

Learned counsel for the petitioners contends that petitioners would not like to be incarcerated in jail for an amount of Rs.30 lakhs when they have already paid an amount of Rs.50 lakhs. While on the other hand, learned counsel for the complainant insists that his contention be also recorded to the extent that earlier also petitioners had been dodging the payment on one pretext or the other. It was in this context that this Court had imposed payment of additional costs of Rs.5 lakhs as interest on the principal amount of Rs.75 lakhs vide order dated 17.12.2019. He submits that petitioners seem to be once again indulging in same dilatory tactics and, therefore, they should be put to heavy cost in case the balance amount is not paid on time.

The request of learned counsel for the complainant seems to be genuine. It is accordingly made clear that, in case, balance amount is not paid up to the extended period of 60 days then

another additional amount of Rs. 2 lakhs shall be paid by the petitioners to the complainant and no further interim protection shall be granted.

Adjourned to 30.09.2020.”

4. In course of hearing today, learned counsel for the petitioners has shown demand draft/s of Rs.30,00,000/- to establish bonafide of the petitioners. He submits that in order to settle the matter amicably, the petitioners have thus discharged their entire liability of Rs.80,000,00/- . He submits that he has instructions to hand over the demand draft either to respondent No.2-complainant or to his counsel.

5. In view of the above, the instant bail petition is allowed. Interim bail granted to the petitioners vide order dated 25.07.2019 is made absolute. The petitioners are directed to hand over the demand draft of Rs.30,000,00/- today itself either to the complainant or to his counsel.

SEPTEMBER 30, 2020
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(ARUN MONGA)
JUDGE

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