

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

CRM-M-33406-2020(O&M)

Date of Decision: 26.10.2020

Sukhmander Singh

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr.S.S.Maini, Advocate for the petitioner.

Mr.Manish Kumar Singla, Advocate for the complainant.

TEJINDER SINGH DHINDSA, J. (ORAL)

This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in FIR No. 155 dated 15.09.2020, under Sections 420,120-B IPC, registered at Police Station Jaito, District Faridkot.

The solitary submission advanced by counsel for the petitioner is that a compromise has since been effected with the complainant party and certain amount of money has since been returned. It has been argued that under such circumstances petitioner deserves the concession of anticipatory

bail.

Mr.Manish Kumar Singla, Advocate has joined proceedings and has entered appearance on behalf of complainant Sukhdev Singh.

Having heard counsel for the parties, this Court is of the considered view that the instant petition merits dismissal.

Briefly it may be noticed that FIR came to be registered on the complaint of Sukhdev Singh. Complainant had asserted that engagement of daughter of the accused/petitioner had taken place with his son. At the time of entering into such alliance the accused party had disclosed that Sukhpreet Kaur, daughter of the petitioner had achieved good bands in IELTS. After the engagement ceremony that took place on 18.12.2019 Sukhpreet Kaur had applied for going abroad on study basis and the complainant had paid a total amount of Rs. 12 lakhs approximately as college fee on different dates. Such amount had been deposited in the account of the petitioner to facilitate the study of his daughter at Canada. Allegations are that Sukhpreet Kaur did not proceed abroad but had got the college fee refunded and had usurped the money and thereby not returning the same to the complainant party.

Even though it has been asserted that a settlement has been arrived at and a compromise was recorded for return of the money, yet the contention raised by counsel for the complainant that the accused party has thereafter instituted a civil suit seeking a declaration that the compromise deed is fake and forged has gone unrebutted.

In view of the allegations noticed herein above and a doubt having been cast as regards the veracity of the settlement, this Court is not

inclined to accept the prayer for grant of concession of pre-arrest bail to the petitioner.

Petition dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

26.10.2020
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No