

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41794-2019 (O&M)
Date of decision: 07.02.2020

Barinder Singh and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Pannu, Advocate for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. K.S. Brar, Advocate for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for issuance of directions to the trial Court/Illaq Magistrate to release the amount of Rs.4.00 lacs and also to release the passport of petitioner No.1 Barinder Singh, both deposited in compliance of the order dated 11.12.2018 passed by this Court.

Learned counsel for the petitioners submits that the petitioners had filed CRM-M-42637-2018, praying for grant of anticipatory bail in FIR No.0079 dated 31.08.2017 under Sections 420, 406, 120-B IPC, registered at Police Station Sadar Ahmedgarh, District Sangrur and had given an undertaking to deposit an amount of Rs.4.00 lacs, which was to be kept in an FDR subject to final outcome of the case. It is further submitted that on deposit of the amount, the anticipatory bail granted to the petitioners was confirmed later on. Learned counsel further submits that thereafter, a compromise was effected between the

petitioners and complainant Bachitar Singh and on the basis of same, the parties recorded their statements and vide order dated 29.07.2019 passed in CRM-M-13790-2019, aforesaid FIR was quashed qua the present petitioners.

Learned counsel for the petitioners further submits that as per terms and conditions of the settlement/compromise dated 05.08.2019, which formed basis for quashing of the aforesaid FIR, one of the condition was that the amount of Rs.4.00 lacs, that has been deposited before the Court by Harjit Singh, Barinder Singh and Bhupinder Singh, be taken from the Court and handed over to complainant Bachitar Singh. It is thus submitted that the amount may be handed over back to the petitioners so that they may further hand over the same to complainant Bachitar Singh.

Learned State counsel has, however, suggested that instead of handing over the amount to the petitioners, the same be directly paid to complainant Bachitar Singh, in terms of the compromise, to avoid any complication between the parties.

Accordingly, the present petition is disposed of and the trial Court is directed to hand over the amount of Rs.4.00 lacs to complainant Bachitar Singh, after obtaining the solvent surety bonds.

Needful be done within a period of 01 month from the date of receipt of certified copy of this order.

[ARVIND SINGH SANGWAN]
JUDGE

07.02.2020
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No