

**CRM-M-1287-2021 (O&M) and
CRM-M-1053-2021 (O&M)**

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

CRM-M-1287-2021 (O&M)
Date of Decision: 16.03.2021

(1)
Rajesh

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CRM-M-1053-2021 (O&M)

(II)
Krishan Kumar

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

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

Mr. Naveen Singh Panwar, DAG, Haryana.

Mr. Sukhdeep Singh, Advocate, for respondent Nos. 2 and 3.

JASGURPREET SINGH PURI, J. (Oral)

This order shall dispose of abovesaid two petitions filed under
Sections 439 of the Code of Criminal Procedure, for grant of regular bail to

the petitioners in FIR No. 152 dated 12.06.2020, under Sections 370, 384, 406, 420, 471, 506, 34 of the Indian Penal Code and Section 24 of Immigration Act, 1983, registered at Police Station Israna, Panipat. They are taken up together in view of the fact that both the petitioners are accused in the same FIR.

As per the FIR, a complaint was made against both the petitioners namely, Krishan Kumar and Rajesh sons of Sh. Ram Singh and this complaint was made by one Surender Kumar that his younger brother namely Pawan Kumar was an educated person and unemployed and that the accused had taken Rs. 9 lakh from his nephew namely Manish Kumar on the behest of sending him abroad. Both of them could not send him abroad and returned the amount of Rs. 9 lakh. However, Rajesh told him that if he wishes to go to Canada, then he may send him and the abovesaid Rajesh and Krishan told the complainant that he will send them to Canada through Vietnam and in lieu of the same, the expenditure will be Rs. 15 lakh and for that purpose he demanded the passport and some amount of money. Thereafter, the process of sending them to Canada through Vietnam started but thereafter all the persons who were sent to Vietnam had fled away because of technical difficulties with the Visa.

The learned counsel for the petitioners submitted that the petitioners are in custody since 02.07.2020 and the petitioners have been falsely implicated in the present case as there is nothing on record to suggest that they had taken the amount of money from the complainant. He has further submitted that the investigation of the case is already complete and

the challan has already been presented and even the matter has now been compromised with the complainant. He has further submitted that joint affidavit of the complainant Surender and Pawan Kumar, sons of Rattan Singh has been filed in this Court, whereby it has been stated that after convening of the Panchayat, the matter has been compromised and the entire financial transaction dispute has been amicably settled and the complainant has received full and final payment as per the compromise. He has further stated in the affidavit that one CRM-M-2834-2021 has also been filed in this Court for quashing of the FIR based upon the compromise. He has further submitted that in the aforesaid petition even the statements of the parties have been recorded before the learned Trial Court for the purpose of quashing of the FIR based upon the compromise. It is further stated that no useful purpose will be served in case the petitioners are kept in custody for longer period in view of the facts and circumstances of the present case.

Mr. Sukhdeep Singh, learned counsel for the complainants-respondent Nos. 2 and 3 has also submitted that the matter has been compromised between the parties and the financial transaction dispute has amicably settled between the parties.

The learned State counsel has submitted that it is correct that the petitioners are in custody since 02.07.2020 and the investigation is already complete and the matter is now pending before the learned Trial Court after the challan was submitted. However, he has opposed the grant of bail on the ground that in such like cases compromise cannot be effected in view of the fact that the matter is serious in nature.

I have heard the learned counsel for the parties.

The custody periods of the petitioners are not in dispute and it is also not disputed that the challan has been presented after the completion of the investigation process. The complainants who were impleaded as respondent Nos.2 and 3 in the present case have also filed an affidavit by stating that the matter has been amicably settled between the parties and even the quashing petition has already been filed in this Court and in which the statements of the parties have been recorded before the learned trial Court. The objection raised by the learned State counsel that in view of the seriousness of the case, the matter cannot be compromised also appears to be attractive but the present case pertains to the grant of bail only. It is not the case of the State that in case the petitioners are granted bail then there is every likelihood that they will tamper with the evidence or they may influence any witnesses or they may flee from justice. Rather as per the admitted position, the matter between the petitioners and the complainants have already been compromised in the present case and their statements have already been recorded before the learned Trial Court to that effect. Therefore, for the purpose of considering the bail application, the objection raised by the learned counsel for the State would not suffice.

Therefore, considering the totality and circumstances of the present case, I deem it fit and proper to allow both the petitions. Consequently, both the petitions are allowed. The petitioners shall be admitted to regular bail on their furnishing bail/surety bonds subject to the satisfaction of the learned trial Court/Duty Magistrate.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

16.03.2021
rakesh

(JASGURPREET SINGH PURI)
JUDGE

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