

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

CRM-M-3983-2021.

Decided on:- March 17, 2021.

Kewal Krishan.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Gagandeep Singh Manku, Advocate for
Mr. Amandeep Singh Manaise, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G., Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.150 dated 29.10.2020 under Sections 406, 420 and 120-B IPC registered at Police Station Jhander, Amritsar Rural, District Amritsar.

As per the FIR, complainant Harpreet Singh has made a complaint that Shivani Mehra, who used to study with him, told him that her brother is residing abroad and he takes girls abroad. Shivani Mehra made the complainant talk to her brother. She told the complainant that he can be sent to Canada and in this process, on the pretext of sending him abroad, accused took Rs.6,50,000/- from the complainant. Firstly, Shivani Mehra and her

father (present petitioner) took Rs.2 lakh from his house and second time, Rs.1.5 lakh was credited in the account of Shivani Mehra and thirdly on 20th November, the complainant credited Rs.1 lakh in the account of Shivani Mehra. Thus, a total sum of Rs.6.5 lakh was paid to Shivani Mehra.

Learned counsel for the petitioner has argued that the petitioner has been named as an accused for the reason that he is father of Shivani Mehra in whose account money has been deposited by the complainant. He further submits that since the daughter of petitioner was involved in the present case, he being father of Shivani Mehra compromised the matter with the complainant and accordingly, issued a cheque of Rs.5 lakh in favour of the complainant.

Learned State counsel submits that once the petitioner has compromised the matter and issued a cheque of Rs.5 lakh in favour of the complainant, it amounts to admission of his guilt and, therefore, the petitioner is not entitled for bail.

I have heard learned counsel for the parties.

No doubt, at one stage, the matter was compromised between the parties and the petitioner had given a cheque of Rs.5 lakh in favour of the complainant, and on presentation of cheque, it was dishonoured, but considering the fact that the petitioner is in custody since 13.12.2020 and is about 71 years of age, as is apparent from the Memo of Parties coupled with the fact that the trial is not likely to be concluded in near future and in view of the law laid down by Hon'ble Apex Court in *Sanjay Chandra Versus CBI (2012) 1 SCC 40*, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

March 17, 2021
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No