

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

CRM-M-4004 of 2021

DATE OF DECISION :- March 24, 2021

Kheta Ram

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Kuldeep V. Singh Ahluwalia, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

Mr. Deepender Singh, Advocate for respondent No. 2.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioner Kheta Ram, son of Ram Chander, aged about 64 years, resident of Ward No. 1, Dhani Sikhan, Nohar, District Hanumangarh, an accused in F.I.R. No. 346 dated 18.9.2019 registered with Police Station Pinjore, District Panchkula for offences under Sections 420/406 IPC.

Briefly stated the facts of the case are that Kheta Ram petitioner-accused and his son Sanjay Saini co-accused had met complainant Amrish Kumar in the year 2018 and had represented to him that they were in business of supplying apples having personal relations with apple farmers in Himachal Pradesh and complainant should do such business with them. The complainant was taken in by such talks of the accused and paid a sum of Rs.18 lacs to both the accused, however, the accused did not supply apples for the said amount and rather issued a cheque in the sum of Rs.18 lacs in favour of the

complainant, which on presentation was got dishonoured.

Feeling aggrieved, the complainant reported the matter to the police. Formal F.I.R was registered. Petitioner Kheta Ram was arrested in this case on 7.1.2021 and presently he is in judicial custody. He had filed an application for regular bail before the Court of Sessions at Panchkula but was unsuccessful, as such he has approached this Court by way of filing the present petition, notice of which was given to the State. The complainant has also put in appearance through his counsel.

I have heard learned counsel for the petitioner, learned counsel for the complainant and learned State counsel besides going through the record.

Learned counsel for the petitioner has contended that son of the co-accused of the present petitioner namely Sanjay Saini has filed a petition for grant of pre-arrest bail before this Court wherein the matter had been referred to mediation. The mediation has proved to be successful and a settlement has been arrived at between the parties. Copy of such settlement has been placed on record as Annexure A1, it being so the petitioner be granted concession of regular bail. Learned counsel appearing for respondent No. 2 has conceded the factum of the matter having resolved amicably between the parties through mediation stating that in view of the settlement the complainant has no objection if the present petition is accepted. It is stated that the challan has since been filed in the Court and charge has been framed and the next date of hearing fixed in the trial Court is for today for prosecution evidence.

Accordingly, the petition is allowed. Petitioner Kheta Ram is ordered to be released on bail on his furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Ilaqa Magistrate/Duty Magistrate, Panchkula subject to the following conditions :-

- (i) he shall appear in the Court on each and every date of hearing.

- (ii) he shall not give any threat or intimidation to the prosecution witnesses.
- (iii) he shall not leave India without prior permission of the Court and shall surrender his Passport, if he has got one, otherwise to furnish affidavit in that regard.
- (iv) he shall not indulge in any criminal activity.
- (v) he shall join the investigation as and when directed by the Investigating Officer.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

March 24, 2021
p.singh

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