

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

204)

CRM-M-6036-2021

Date of Decision: 17.09.2021

Rakesh Kumari

.....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Umesh Sharma, Advocate, for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Manjinder Singh Saini, Advocate,
for the complainant.

Amol Rattan Singh, J. (Oral)

Case heard by video conferencing.

On 02.09.2021, the following order had been passed by this court, reproducing therein the order passed on 12.03.2021:-

“Case heard via video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail', upon FIR No. 144 having been registered at Police Station Sadar, District Hoshiarpur, on 14.09.2020, alleging therein the commission of offences punishable under the provisions of Sections 420/406 of the IPC.

On 12.03.2021, the following order had been passed by this court:-

“Learned counsel for the petitioner submits that as per the order dated 10.02.2021 passed by this Court, the petitioner was required to make payment of Rs.1 lakh to the complainant within one month. However, the petitioner could not arrange for the money, though she has already paid a sum of Rs.50,000/- to the complainant. The petitioner undertakes to make further payment of Rs.50,000/- within a week, but in any case, within the outer limit of three months, the petitioner would pay a sum of Rs.2.5 lakh to the complainant.

On request of learned counsel for the petitioner, adjourned to 13.05.2021.

In case the petitioner makes payment of Rs.50,000/- to the complainant within a week from today, she shall not be arrested till the next date of hearing.”

Today, learned counsel for the petitioner seeks one week further time to make all outstanding payment to the complainant.

However, Mr. Saini, counsel for the complainant, submits that in fact even Rs. 50,000/- had not been paid, with only Rs. 15,000/- paid vide an RTGS transfer; and therefore a sum of Rs. 2,35,000/- still remains to be paid by the petitioner.

Counsel for the petitioner would place on record documentary evidence of all money paid to the complainant by the next date of hearing.

Adjourned to 09.09.2021.

However, whether Rs, 15,000/-, or Rs. 50,000/-, have been paid so far, he would also place on record the evidence to show that the entire amount of Rs. 2,50,000/- as was agreed to be paid vide the agreement dated 23.10.2019, has been paid or not.

Naturally, if the amount will be found to have not been paid by that date, this petition would be liable to be dismissed.”

Today, learned counsel for the complainant submits that the entire amount that was to be paid by the petitioner to complainant in terms of the settlement arrived at between them on 23.10.2019, has been now paid to the complainant.

That being so, this petition is allowed, with the order dated 10.02.2021, staying the arrest of the petitioner, confirmed.

September 17, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

Whether reasoned/speaking : Yes
Whether reportable : No