

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

**CRM-M-24428-2020
Date of decision: 24.02.2021**

Sukha Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 141 dated 26.06.2020, registered under Sections 406, 420 of the IPC and Section 13 of Punjab Travel Professionals Regulation Act, 2014 at Police Station Bhogpur, District Jalandhar (Rural).

The operative part of the order dated 26.08.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner states that petitioner has been denying the benefit of anticipatory bail as the complainant is alleging that a sum of Rs. 67,000/- is still outstanding to be paid back by the petitioner. Learned counsel for the petitioner at the outset submits that petitioner is ready to compromise and will pay the remaining amount of Rs.67,000/-, before he is granted the concession of anticipatory bail.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who has also joined the proceedings through video conference, keeping in view the service of

advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel submits that the petitioner had taken amount from the complainant and out of the total amount received, a sum of Rs.67,000/- is yet to be returned to the complainant and, therefore, petitioner is not entitled for the grant of anticipatory bail.

I have heard learned counsel for the parties and have gone through the record carefully.

Once, the petitioner is ready to discharge the said liability of Rs. 67,000/- before he is granted the benefit of anticipatory bail, he has made out a case for the grant of the said benefit, as being prayed in the present petition.

Learned counsel for the petitioner submits that petitioner will remit the said amount of Rs.67,000/- to the complainant within a period of two days. In case, the said remittance is done by the petitioner, he is extended the benefit of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions : (i) That he shall make themselves available for interrogation by the police officer as and when required. (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer. (iii) That he shall not leave India without prior permission of the Court. (iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.

Adjourned to 26.11.2020.

The trial Court will ensure the proof of the

remittance of Rs.67,000/- in favour of the complainant as undertaken by the learned counsel for the petitioner before accepting the surety/bail bonds of the petitioner.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 26.08.2020, has joined the investigation and has also paid the amount of Rs. 67,000/- to complainant in compliance with the aforesaid order.

Learned counsel for the State, on instructions from ASI Navdeep Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 26.08.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

24.02.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No