

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-32610-2020 (O&M)
Date of Decision:-1.9.2021

Dharmendra Kumar @ Dharmender Kumar ... Petitioner

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sapan Dhir, Advocate for the petitioner.

Ms. Sheenu Sura, DAG, Haryana,
assisted by SI Naresh Kumar.

Mr. Gunjan Mehta, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered vide FIR No. 135 dated 14.03.2020 registered at Police Station City Fatehabad, District Fatehabad under Sections 406, 420, 506, 120-B, 34 IPC and Sections 3,4,5, 6 of Prize Chits and Money Circulation Scheme (Banking) Act, 1978.
2. At the time of issuance of notice of motion on 14.10.2020, the following order was passed:

“ At the outset, on oral request of learned counsel for the petitioner herein, the complainant is ordered to be impleaded as party

respondent. Learned counsel to file an amended Memo of Parties within three days from today.

Learned counsel for the petitioner herein, *inter-alia*, contend that the petitioner was lured by one Pardeep Yadav and his wife Priyanka Yadav to become a Director of the Company, namely Star Global, which was involved in the business of fish farming, flowers nursery etc. and after having made investment he also became the Director of the said Company. One Sachin Gadwal has filed a complaint in which he has alleged that he had handed over a sum of ₹10 lakhs to Krishan Swami and Monu to be invested in the said company which was involved in fish farming etc. However, the said money has not been returned to him. It is also submitted that earlier also two complaints were filed, which were consigned to record, however, it is only on the third complaint, the instant FIR has been registered. Learned counsel further contends that the petitioner has already submitted his resignation to Priyanka Yadav, when he came to know that the company is involved in misdeeds. It is further contended that the petitioner has already joined the investigation and has handed over all the material documents available with him and he is still ready to join the investigation again.

Notice of motion.

Ms. Deepshikha Chauhan, AAG, Haryana, who is present through the medium of Video Conferencing, accepts notice on behalf of respondent—State and opposes the grant of anticipatory bail on the ground that a fraud has been played upon the complainant as money has been taken from unsuspecting investors and the complainant is one of them and therefore, in such a situation, custodial interrogation of the petitioner would be required.

At this juncture, learned counsel for the petitioner submits that in fact out of ₹10 lakhs, a sum of ₹2,25,000/- odd has already been returned to the complainant and the petitioner is willing to deposit a sum of ₹4 lakhs with the Registrar of this Court to show his

bonafide, though he had no idea of the investment made by the complainant with Krishan Swami and Monu. It is submitted that on the contrary the petitioner too has suffered at the hands of Priyanka Yadav and the Company does not have any account.

In view of the above statement, the petitioner is directed to deposit a sum of ₹4 lakhs with the Registrar of this Court within one week from today. In case the aforesaid amount is deposited within the stipulated period, the arrest of the petitioner shall remained stayed till the next date of hearing. However, in case the amount is not deposited, the stay shall automatically stands vacated.

Adjourned to 30.10.2020.”

3. Learned counsel for the petitioner has submitted that pursuant to interim directions issued by this Court efforts were made to amicably resolve the matter with the complainant, which has yielded result and the matter stands compromised between the petitioner and the complainant and that the petitioner has paid the entire amount of ₹10 lakhs to the complainant, who does not have any objection for either grant of anticipatory bail or for quashing of the FIR on the basis of compromise. It has been submitted that infact a petition for quashing of FIR on the basis of compromise has already been filed.
4. Mr. Gunjan Mehta, Advocate has put in appearance on behalf of the complainant/respondent No.2 and has endorsed the factum of compromise and has stated before this Court that the complainant has no objection in case the petitioner is granted anticipatory bail as the matter has been amicably resolved amongst the complainant and the petitioner.

5. Learned counsel representing the complainant has fairly submitted that since the entire amount of ₹10 lakhs has already been paid to the complainant, the amount of ₹4 lakhs, which stands deposited in this Court pursuant to order dated 14.10.2020 may be returned to the petitioner.
6. Learned State counsel has submitted that as per the instructions received by her, the parties have entered into compromise and that the petitioner, in any case, has joined investigation.
7. I have considered rival submissions addressed before this Court.
8. Having regard to the fact that the parties have amicably resolved their issues and the entire amount of ₹10 lakhs stands paid to the complainant and the complainant has no objection for grant of anticipatory bail, the petition is accepted and the interim directions issued by this Court vide order dated 30.10.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
9. It is further ordered that the amount of ₹4 lakhs, which stands deposited in this Court pursuant to order dated 14.10.2020 be released to the petitioner as the complainant has expressed that he has no objection for the same since he had already received the entire amount of ₹10 lakhs.

1.9.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No