

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

CRM-M-36484 of 2020

DATE OF DECISION :- February 10, 2021

Pardeep Kumar Yadav and others

...Petitioners

Versus

State of Punjab and another

...Respondents

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

Present:- Mr. Rahul Sharma, Advocate for the petitioners.

Mr. J.S. Ghumman, DAG, Punjab.

Mr. Puneet Gupta, Advocate for respondent No. 2.

The case has been taken up through Video Conferencing.

This petition for regular bail has been filed by petitioners Pardeep Kumar Yadav, Neeraj Kumar Sharma, Jai Parkash Divakar and Jittu, all of them being accused in F.I.R. No. 225 dated 5.8.2020 registered with Police Station Dinanagar, District Gurdaspur for offences under Sections 420 IPC and Section 66 of Information Technology Act, 2000, later on added 467, 468, 471, 120-B IPC vide DDR No. 29 dated 27.8.2020.

Briefly stated the facts of the case as per prosecution story are that complainant Preet Kiran Khakh has been maintaining two bank accounts bearing Nos. 59119780778112 with HDFC Bank, branch Hanuman Chowk, Gurdaspur and 01071050194586. On 30.7.2020 at about 1.37 P.M., a sum of Rs.3,00,029.50/- was withdrawn from her bank account

No. 01071050194586 and another sum of Rs.1,50,029.50/- was withdrawn

from her bank account No. 59119780778112 at about 1.58 P.M. A sum of Rs.49,017.70/- was also withdrawn from her bank account, The withdraws had not been made by her but by some other person unauthorizedly and complainant had received a phone call from Sai Dot Com from mobile No. 9811887911 of Abhimanyu Rao as well as from mobile no. 9977954889 of Prem Badodia. According to the complainant, a fraud had been committed with her by Abhimanyu Rao and Prem Badodia.

On the basis of information given to the police by the complainant, formal F.I.R. was registered and investigation in the case started. During the course of investigation, petitioners Pardeep Kumar Yadav, Neeraj Kumar Sharma, Jai Parkash Divakar and Jittu were arrested in this case on 25.8.2020 and various forged documents were recovered from them, therefore, offences under Sections 467, 468, 471, 120-B IPC were added in the F.I.R. The petitioners accused had moved an application for grant of regular bail before the Court of Sessions at Gurdaspur. Their such application which was assigned to Additional Sessions Judge, Gurdaspur, who vide order dated 6.10.2020 dismissed the same. Feeling aggrieved, they have approached this Court craving for grant of similar relief. Notice of the application was given to the State of Punjab as well as to the complainant and they have put in appearance through counsel.

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

Learned counsel for the petitioners accused has contended that the petitioners have got nothing to do with the offences complained of, their names are not mentioned in the F.I.R and they have been involved on the

basis of wrong disclosure statement. Nonetheless, the matter has been compromised between the petitioners and the complainant vide written compromise, copy of which has been placed on record as Annexure P5 and affidavit of complainant is also there. A petition for quashing of the F.I.R. on the basis of compromise has also been filed in which the parties have been asked to get their statements recorded with regard to compromise before the trial Court/Ilaqa Magistrate. In this case though challan has been filed but charge is yet to be framed, in that way bail be granted to the petitioners. Learned counsel for the complainant has conceded the factum of matter having been compromised between the parties and a petition for quashing of F.I.R. on the basis of compromise being pending before this Court stating that he has no objection if the present petition is accepted.

Learned State counsel on instructions from SI Satnam Singh has informed that petitioners are not involved in any other criminal case. Learned State counsel has contended that this Court may pass any order in accordance with law considering the facts and circumstances of the case.

After hearing learned counsel for the petitioners, learned counsel for the complainant and learned State counsel I find that petition deserves to be accepted. The trial is at the initial stage, inasmuch as the charge is yet to be framed and its conclusion may take considerable time. Nonetheless the parties have approached this Court for quashing of F.I.R. on the basis of compromise and their petition may be accepted.

Therefore, the petition is allowed and petitioners Pardeep Kumar Yadav, Neeraj Kumar Sharma, Jai Parkash Divakar and Jittu are ordered to be released on bail on their furnishing bail bonds and surety bonds to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Gurdaspur

subject to the following conditions :-

- (i) they shall appear in the Court on each and every date of hearing.
- (ii) they shall not give any threat or intimidation to the prosecution witnesses.
- (iii) they shall not leave India without prior permission of the Court and shall surrender their Passports, if they have got one, otherwise to furnish affidavits in that regard.
- (iv) they shall not indulge in any criminal activity.
- (v) they shall join the investigation as and when directed by the Investigating Officer.

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

(H.S. MADAAN)
JUDGE

February 10, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No