

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

CRM-M-42183-2021(O&M)

Date of decision : 24.11.2021

Onkar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ashit Malik, Advocate
for the petitioner.

Mr.Sarabjit Singh, AAG, Punjab.

Mr.Naveen Batra, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

CRM-33790-2021

Allowed as prayed for.

CRM-M-42183-2021

This is the first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.169 dated 25.09.2021 registered under Sections 406, 420 IPC at Police Station Haryana, District Hoshiarpur.

On 07.10.2021, this Court had passed the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.169 dated 25.09.2021 registered under Sections 406 and 420 of the Indian Penal Code, 1860 at Police Station Haryana, District Hoshiarpur.

Learned counsel for the petitioner inter alia contends that although as per the version of the petitioner, he has paid everything to Sukhwinder Singh who is dealing on behalf of the complainant but the petitioner is also ready to pay another amount of Rs.2,00,000/- to the complainant within a period of 15 days from today.

Notice of motion.

On asking of the Court, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions. Mr. Naveen Batra, Advocate appears on behalf of the complainant and seeks time to argue the matter.

Adjourned to 24.11.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

It is, however, clarified that in case, an amount of Rs.2,00,000/- is not paid within a period of 15 days to the complainant, then the present bail application would be liable to be dismissed.”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has given a draft of Rs.2,00,000/-, in the name of the complainant and has also joined the investigation.

Learned State counsel has opposed the petition for anticipatory bail.

Learned counsel for the complainant has submitted that the petitioner has joined the investigation. It is further submitted that the

petitioner had complied with the order dated 07.10.2021 and the complainant had received draft of Rs.2,00,000/- but the entire amount of compromise has not been paid to him.

Keeping in view the above said facts and circumstances, more so the fact which has been noticed in the order dated 07.10.2021, and also the fact that the petitioner in compliance to the said order, has already handed over a draft of Rs.2,00,000/- to the complainant and has also joined investigation, the present petition for anticipatory bail is allowed and interim order dated 07.10.2021 is made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 24, 2021

Davinder Kumar

Whether speaking / reasoned

Yes/No

Whether reportable

Yes/No