

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(204)

CRM-M-39225-2020

Date of decision: 26.10.2021

Vikram Jaiswal

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Munish Mittal, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana.

Mr. Vikram Sharma Vats, Advocate for the respondent No.2.

...

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

While granting interim protection to the petitioner, this Court
passed the following order on 03.12.2020:-

“Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0378 dated 01.10.2020 under Sections 406, 420 of the Indian Penal Code, 1860 registered at Police Station Farakpur, Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner has contended that the allegations in the FIR are highly improbable as it has been stated therein that an amount of Rs.11 lakh was paid to the petitioner in the month of November 2018 by way of transfer in the account of the petitioner for getting a visitor's visa for Australia. Thereafter, the visa was rejected and the money was not refunded. Learned counsel for the petitioner would further contend that a perusal of Annexure P-3 reveals

that the visitor's visa of the complainant stood rejected on 27.12.2018 and two transfers have been made to the account of the petitioner thereafter in the month of January 2019. He would further contend that this was a simpliciter business transaction and the remedy would be for filing a civil suit for recovery. The learned counsel has further contended that it is highly improbable that any person would pay an amount of Rs.11 lakhs for getting a visitor's visa.

On the last date the State was directed to file a status report. A status report has been filed by way of affidavit of Subhash Chand, HPS, Deputy Superintendent of Police, Yamuna Nagar-3 wherein it has been stated that two transfers have been made by the complainant in favour of the petitioner in January 2019.

List on 05.02.2021.

Meanwhile, the petitioner is directed to join investigation before the Investigating Officer and would come present as and when called for. In the event of arrest, the petitioner shall be admitted to bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973."

During the pendency of the petition, complainant has been impleaded as respondent No.2, who has put in appearance through a counsel. The matter was referred to the Mediation and Conciliation Centre of this Court and a report has been received from the Centre to the effect that a settlement/agreement has been arrived at between the parties on 28.09.2021.

Counsel for the petitioner submits that in terms of the settlement, the petitioner has agreed to pay a sum of Rs.7 lacs to the complainant, out of which a sum of Rs.3 lacs has been paid and two post dated cheques for the balance amount of Rs.4 lacs has been handed over to the complainant. He further submits that a petition (CRM-M-41808-2021) seeking quashing of

the FIR on the basis of the compromise has been filed and this Court vide order dated 06.10.2020 has called for a report from the trial Court after recording the statements of the parties.

In view of the above facts and development, but without commenting upon the merits of the case, the present petition is allowed and order dated 03.12.2020 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

26.10.2021
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No