

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(246-I)

CRM-M-44323-2021

Date of decision: - 20.12.2021

Rakesh Kumar

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Manish Dadwal, AAG, Haryana.

Mr. Neeraj Goel, Advocate, for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.172 dated 11.10.2021, registered under Sections 174-A of the Indian Penal Code, 1860 (hereinafter to be referred as “the IPC”) at Police Station Sector 9, Ambala City, District Ambala.

Learned counsel for the petitioner as well as respondent No.2 has submitted before this Court that in the present case a compromise has been arrived at between petitioner and the complainant, namely, Pavinder Pal, who had filed a complaint under Section 138 of the Negotiable Instruments Act and in which proceedings the petitioner had not appeared and was thus, declared a proclaimed person. It is further submitted that as per the said compromise, a total sum of Rs.2,50,000/- is to be paid by the petitioner to the said complainant and out of said amount, an amount of

Rs.1,00,000/- has already been paid by the petitioner to the said complainant and the balance amount of Rs.1,50,000/- is to be paid in two installments i.e. on 15.01.2022 and on 15.02.2022 and regarding the same, a similar statement has also been made in the quashing petition, which has been filed by the petitioner.

Learned State counsel has opposed the present petition for anticipatory bail.

Keeping in view the above said facts and circumstances moreso, the fact that a compromise has been effected between the petitioner and the complainant in the 138 proceedings and an amount of Rs.1,00,000/- has already been paid by the petitioner to the said complainant, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

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 application.

December 20, 2021
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes
No