

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40743-2020 (O&M)

Date of Decision: 26.02.2021

SUKHDEV SINGH @ SUKHAPetitioner

Vs

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mohinder Kumar, Advocate
along with the petitioner in-person.

Mr. Amar Ashok Pathak, Addl. A.G., Punjab.

Mr. L.S. Mann, Advocate
along with the complainant in-person.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.201 dated 19.08.2020, registered under Section 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act at Police Station Mehatpur, Police District Jalandhar Rural, Jalandhar, Punjab.

On 12.01.2021, following order was passed by this Court:-

"The case has been taken up for hearing through video conferencing.

Prayer is for grant of anticipatory bail in case bearing

FIR No.201 dated 19.08.2020 registered under Sections 420 IPC and Section 13 of Punjab Travel Professionals (Regulation) Act at P.S. Mehatpur, Police District Jalandhar Rural, Jalandhar, Punjab.

On 07.12.2020, learned counsel for the petitioner sought time to file a specific affidavit that the cheques issued by the petitioner were duly encashed. The affidavit was filed only on 11.12.2020.

Perusal of the affidavit would show that the petitioner has given some different version in respect of the amount paid through cheques. He pleaded that infact cheques were not encashed rather the payments were made through some receipts.

Owing to the aforesaid change in the stand, this Court vide order dated 05.01.2021 adjourned the case in order to enable the learned State counsel to file a specific affidavit of Investigating Officer after verifying the payments statedly made by the petitioner to the complainant. Though no affidavit of Investigating Officer has been filed, learned State counsel on instructions from ASI Satpal Singh submits that the factum of payment of amount of Rs.5,12,500/- has been verified and the same is found to be correct. An amount of Rs.3,16,500/- still to be paid by the petitioner.

Learned counsel for the petitioner on being asked simply states that the petitioner is ready only to pay an amount of Rs.1,25,000/-. He has his own explanation in respect of due amount.

In view of aforesaid controversy, it would be just and appropriate to direct both the parties to appear before this Court through video conferencing on the next date of hearing.

Adjourned to 24.02.2021.”

In pursuance of the aforesaid order both the parties have appeared through video-conferencing.

On a pointed query, petitioner through his counsel submitted that he is ready to deposit an amount of Rs.3,16,500/- in the trial Court without prejudice to his ultimate right in the trial of the case.

Learned counsel for the complainant has also taken instructions from the complainant, who is also present through video-conferencing to say that the complainant is ready for the aforesaid arrangement.

Learned State counsel has also no serious objection with the aforesaid arrangement. In any case the matter is going to be settled.

In view of aforesaid consensus arrived at between the parties, I deem it appropriate to direct the petitioner to deposit an amount of Rs.3,16,500/- in the trial Court within a period of seven days. On deposit of the amount, the same shall be kept by the Court in the shape of fixed deposit in a nationalized Bank so as to fetch maximum interest. The total amount at the time of conclusion of the trial be paid to the successful party. However, the aforesaid amount shall not be taken to be a determinative amount. The trial Court would be at liberty to decide the amount due in accordance with law. Both the parties would be at liberty

to adduce evidence to that effect.

In view of aforesaid, the petition is allowed. On deposit of the aforesaid amount in the trial Court, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 08.03.2021 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

(RAJ MOHAN SINGH)
JUDGE

February 26, 2021

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No