

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(202)

CRM-M-4908-2022

Date of decision: - 30.09.2022

Pushap Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rajeev K. Kapila, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Mr. Nikhil Kumar Vashisht, Advocate
for the complainant.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.148 dated 16.10.2021, registered under Sections 420 and 120-B IPC; Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014; and Section 24 of the Immigration Act, at Police Station Division No.1, Pathankot, District Pathankot.

On 07.02.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“The matter has been taken up through video conferencing.

Learned counsel for the petitioner inter alia submits that she has clear instructions from the petitioner that he is ready and willing to amicably resolve the dispute with the complainant and to show his

bonafide he will deposit before the adjourned date an amount of Rs.6 lakhs in the Registry of this Court, to be disbursed to the complainant and to be set off towards final amount of settlement that they may agreed to.

Notice of motion.

Ms.Gunkirat Kaur, AAG, Punjab, accepts notice on behalf of the respondent and prays for time to argue the matter.

Adjourned to 28.02.2022.

Subject to the petitioner making the deposit in the above terms and in the meanwhile impleading the complainant, till the adjourned date his arrest is stayed.

(DEEPAK SIBAL)
JUDGE

07.02.2022"

Thereafter, the matter was adjourned and on 20.09.2022, this

Court was pleased to pass the following order: -

"Learned counsel for the petitioner seeks one week's time as a last opportunity to produce on record the demand draft amounting to Rs.6,00,000/- prepared in the name of the complainant before this Court.

Adjourned to 30.09.2022.

The petitioner is directed to bring the demand draft amounting to Rs.6,00,000/- prepared in the name of the complainant before this Court on the next date of hearing failing which, the interim order passed in favour of the petitioner would be liable to be vacated.

Interim order to continue.

(VIKAS BAHL)
JUDGE

20.09.2022"

Learned counsel for the petitioner has submitted that he has brought three demand drafts of Rs.2,00,000/- each, totalling to an amount of Rs.6,00,000/- and has handed over the same to learned counsel for the complainant.

Learned counsel for the complainant has submitted that he will hand over the said demand drafts to the complainant.

It is agreed between the petitioner and the complainant that the said amount of money has satisfied the claim of the complainant qua the present petitioner and the compromise would be reduced in writing between the petitioner and the complainant and the petitioner would file a petition under Section 482 Cr.P.C. for quashing of FIR on the basis of compromise qua the peittioner. In the said proceedings, the complainant will give the statement in favour of the petitioner qua the said compromise and also fully assist in the said proceedings. It is further submitted that neither of the parties will back track from the said statement, which has been made before this Court.

Keeping in view of the above-said facts and circumstances, the present petition is allowed and the interim order dated 07.02.2022 is ordered to be made absolute, subject to the petitioner abide by the conditions as provided under Section 438(2) Cr.P.C.

It is clarified that in case the complainant back track from the compromise, then the complainant would be liable to return the said amount of Rs.6,00,000/- which has been paid by the petitioner.

September 30, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No