

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

212

CRM-M-6828-2022

Date of decision: 21.04.2022

ANOOP KUMAR CHOBEY

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sant Lal Barwala, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana
for the respondent-State.

Mr. Mahender Singh Chahal, Advocate
for the complainant.

SANT PARKASH, J. (ORAL)

Prayer in this petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner, in case, FIR No. 72 dated 13.02.2021 registered under Sections 406, 420, 201, 120-B of the Indian Penal Code, 1860 at Police Station City Hisar, District Hisar.

The present FIR has been lodged on complaint of Ravi Bansal who alleged that he booked a hotel room online through application AGODA app and paid an amount of Rs. 40,000/- from his HDFC Bank credit card. However, he did not receive any message regarding the confirmation of the hotel room. In order to enquire about the confirmation he rang up the number which was available on the

online site and he was told that his booking is on hold for some time and they will refund him the entire amount of Rs. 40,000/-. The complainant was asked to download an app named 'Anydesk' to get his amount refunded and on doing so, an amount of Rs. 3,19,000/- was deducted from his bank account. On the said allegations of defrauding, the present FIR was lodged.

I have heard learned Counsel for the parties and gone through the case file.

At the very outset, learned Counsel for the petitioner has submitted that the entire dispute has been settled between the parties and also a quashing petition CRM-M-6905-2022 was filed to this effect wherein the statements of the parties and Investigating Officer have already been recorded. The petitioner is in custody since 22.08.2021. No useful purpose will be served by keeping the petitioner in custody. Therefore, the petitioner may be ordered to be released on regular bail.

Learned Counsel for the complainant has admitted the factum of compromise and has submitted that he has no objection in case the petitioner is granted regular bail in the present case. However, learned State Counsel has vehemently opposed the grant of bail to the petitioner and has submitted that the petitioner is a habitual offender and is involved in four such like cases.

Having considered the facts and circumstances of the case, the matter has been compromised/settled by the petitioner with the complainant, quashing petition on the basis of compromise has already been filed, the period of custody of the petitioner but without expressing any opinion on the merits of case, the petition is allowed

and the petitioner is ordered to be released on regular bail on furnishing of requisite bail bonds with two local sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

It is made clear that after release on bail in this case, if the petitioner is found to have been involved in any other case of such like nature, the state will be at liberty to move the Court for cancellation of bail.

It is also clarified that grant of bail in the instant case on the basis of settlement between the parties would not be construed as an opinion on the other cases/FIRs pending against the accused/applicant. The Court dealing with the bail application(s) in other FIRs will not be prejudiced by this order.

21.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No