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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-8899-2022

Date of decision : 27.10.2022

Gurpreet Singh Dhanjal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pushpinder Kaushal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

VIKAS BAHL, J. (ORAL)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 274 dated 25.11.2021 registered under Sections 420, 120 B IPC at Police Station City Tarn Taran, District Tarn Taran.

On 02.04.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No. 274 dated 25.11.2021 registered under Sections 420, 120 B IPC at Police Station City Tarn Taran, District Tarn Taran.

As per allegations in FIR, complainant has given a sum of Rs. 6,13,000/- to petitioner who had promised to

send daughter of complainant abroad. As the compromise was not fulfilled, FIR was got lodged.

Mr. Kaushal, learned counsel for petitioner as also learned counsel for complainant state that now the matter has been resolved between the parties. An amount of Rs. 2,12,000/- has already been received by complainant.

The petitioner has tendered a demand draft No. 071979 of Axis Bank dated 30.3.2022 for an amount of Rs. 50,000/- in the name of Mr. Manohar Singh (complainant) to learned counsel for complainant in Court today. The photocopy thereof is taken on record.

Mr. Kaushal, learned counsel for petitioner also states that complainant would pay an amount of Rs. 1,43,170 in 3 installments. The first installment of Rs. 50,000/- would be paid/transferred to complainant by way of demand draft or RTGS by 10.5.2022; another amount of Rs. 50,000/- would be paid/transferred to complainant by way of demand draft or RTGS by 10.6.2022 and balance amount of Rs. 43,120/- would be paid/transferred to complainant by way of demand draft or RTGS by 10.7.2022.

Learned counsel for complainant states that if petitioner acts as promised, complainant would have no subsisting grievance against petitioner.

Adjourned to 27.7.2022.

In view of compromise, till next date of hearing, arrest of petitioner shall remain stayed.

Sd/-(HARINDER SINGH SIDHU)

JUDGE

2.4.2022”

Thereafter, on 27.07.2022, the following order was passed:-

“The instant petition has been filed under Section 438 Cr.P.C., for grant of concession of anticipatory bail in FIR No.274 dated 25.11.2021, under Sections 420, 120-B of IPC, registered at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that in compliance to the undertaking recorded in the order dated 02.04.2022, the installments have been paid to the complainant and that no subsisting grievance survives against the petitioner.

To come up on 24.10.2022 for further consideration.

In the meanwhile, the petitioner is directed to join investigation as and when so required by the Investigating Agency. In the event of petitioner joining investigation, he shall be admitted to interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

Sd/-(VINOD S. BHARDWAJ)

27.07.2022

JUDGE”

Learned counsel for the petitioner has submitted that the matter has been finally settled and the petitioner has already filed petition under Section 482 of Cr.P.C. for quashing of FIR on the basis of compromise and the same is likely to be listed in the near future.

Learned counsel for the State, on instructions from ASI Major Singh, has submitted that he had a telephonic communication with the complainant and that the complainant had stated that he had received the amount in question.

Keeping in view the abovesaid facts and circumstances more so the facts which have been noticed in above said orders dated 02.04.2022 and 27.07.2022, the present petition is allowed and the interim order dated 27.07.2022 is ordered to be made absolute.

However, 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.

27.10.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No