

201.

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

CRM-M-34316-2018

Date of Decision: 10.01.2022

(Heard through VC)

BIRENDER RANDHAWA AND ANR

.... Petitioners

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Balbir Singh Jaswal, Advocate,
for the petitioners.

Mr. R.S. Khaira, AAG, Punjab.

Complainant-Colonel Kunwar Virendra Singh Thanua,
in person.

JAISHREE THAKUR.J (Oral)

This is a petition that has been filed under Section 438 Cr.P.C.
for grant of anticipatory bail to the petitioners in case FIR No.44, dated
11.03.2018, registered under Sections 420/120-B IPC at Police Station
Cantonment, District Amritsar.

Counsel appearing on behalf of the petitioners would contend
that an FIR had been registered at the behest of the complainant Colonel
Kunwar Virendra Singh Thanua, then serving in the Indian Army, against the
petitioners herein with the allegations that the complainant was having
interest in vintage vehicles and the petitioners herein had offered to get him a

Jeep make Willy MB Model 1941 for a sum of Rs.4.65 lakhs with transportation from Uttarakhand and to restore the same to its original condition before handing it over to the complainant. They offered another deal for a Willy Jeep OHV 1964 model. However, despite handing over the amount, the vintage vehicles i.e. two jeeps offered to be delivered, were not in pristine condition.

Counsel for the petitioners would contend that the matter was sent for mediation and a compromise was arrived at between the parties and two vehicles have been handed over to the complainant on 31.08.2021. He would also submit that an amount of Rs.5,000/- had been given to the complainant as some parts of the jeep were not available and the cheque stands encashed. He would further contend that a sum of Rs.1 lakh has been paid and on receipt, the complainant has noted his satisfaction about the conditions of the vehicles on the receipt dated 31.08.2021 duly signed by both the sides.

Learned counsel for the respondent-State would submit that the petitioners herein have joined investigation.

The complainant appearing in person through VC would still oppose the bail application by contending that though the vehicles have been handed over, the same are not in working condition despite an amount of Rs.1 lakh having been paid to the petitioners.

I have heard learned counsel for the parties and in view of the fact that the petitioners herein have joined investigation and have handed over the two jeeps to the complainant, it would be a matter of evidence now whether or not the same are in working condition as promised.

Accordingly, the instant petition is allowed and the order dated 01.10.2018 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

(JAISHREE THAKUR)
JUDGE

10.01.2022

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No