

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

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**CRMs-21092 & 21093-2022 in/and
CRM-M-21393-2022 (O&M)
Date of Decision: 07.07.2022**

ARJUN GADI

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: Mr. Preetinder Singh Ahluwalia, Advocate
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

Mr. Rahul Deswal, Advocate
for the complainant.

VINOD S. BHARDWAJ, J. (ORAL)

CRM-21092-2022

Instant application has been filed Section 482 of the Cr.P.C. seeking preponement of the date of hearing in the main petition, which is stated to be fixed for 21.07.2022.

Learned State counsel as well as the learned counsel for the complainant have no objection to the application being allowed.

In view of the stand taken by the learned State counsel as well as learned counsel for the complainant, instant application stands allowed and the main petition is ordered to be preponed from 21.07.2022 to today and the same is taken on the Board today itself.

CRM-21093-2022

Instant application has been filed Section 482 of the Cr.P.C. for placing on record the copy of compromise dated 31.05.2022 as Annexure

P-9.

For the reasons mentioned therein, the instant application is allowed as prayed for subject to all just exceptions.

Annexure P-9 is ordered to be taken on record. The Registry is directed to tag and page mark the same at appropriate place of the paper book.

MAIN CASE

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No.27, dated 13.01.2022 under Sections 406, 420, 465, 467, 468, 471 and 120-B of the Indian Penal Code, 1860, registered at Police Station Zirakpur, District, SAS Nagar.

Learned counsel appearing on behalf of the petitioner contends that the petitioner had earlier applied for anticipatory bail, however, the same was dismissed as withdrawn. Thereafter, he was taken in custody and the investigation is already complete. The final report has also been filed on 19.04.2022. It is pointed out that during the pendency of the present petition, the matter has already been settled/resolved amicably between the parties and a compromise has been effected for a sum of Rs.77,50,000/-, which the petitioner has agreed to pay to the complainant. It is further pointed out that an amount of Rs.56,00,000/- out of the abovesaid agreed amount already stands paid. The details of the same are tabulated herein below:

Sr. No.	Date	Amount
1.	30.05.2022	Rs.1,00,000/-
2.	02.06.2022	Rs.5,00,000/- (paid before the Hon'ble High Court in CRM-M-21393-2022 through DD)

Sr. No.	Date	Amount
3.	10.06.2022	Rs.10,00,000/-
4.	27.06.2022	Rs.5,00,000/-
5.	27.06.2022	Rs.20,00,000/-
6.	04.07.2022	Rs.15,00,000/-
	Total	Rs.56,00,000/-

He further contends that a sum of Rs.15,00,000/- has also been deposited with the Registry of this Court in terms of order dated 11.03.2022 passed in CRMs-M-7660 and 7873 of 2022. In this manner, a total sum of Rs.71,00,000/- stands remitted. The petitioner would not have any objection to the aforesaid amount being released in favour of the respondent- complainant. The remaining amount of Rs.6,50,000/- shall be handed over to the respondent-complainant before the trial Court since the petition for quashing the FIR in question bearing No.CRM-M-28206 of 2022 titled as 'Vinod Kumar Gadi and others Vs. State of Punjab and another' has already been filed wherein the parties have been directed to get their statements recorded before the Illaqa Magistrate. It is further contended that there is no other case against the petitioner. Besides, the petitioner has already undergone an actual custody of 05 months and 12 days and as such, the continued incarceration of the petitioner would not serve any interest of justice.

Learned State counsel contends that charges against the petitioner have already been framed and that the case is fixed for prosecution evidence. It is contended that it is a case where a *prima facie* offence stands established against the petitioner. However, the factum of the custody and the non-involvement of the petitioner in any other case has not been disputed by the learned State counsel. It is also not denied that the petitioner is not warranted for any further investigation/interrogation.

Mr. Rahul Deswal, Advocate for the complainant acknowledges the factum of compromise having been effected between the parties and also the receipt of the amount noticed above. Furthermore, he has no objections to the petition being allowed and the concession of bail being granted to the petitioner.

In view of the facts noticed above, stage of trial, period of custody already undergone by the petitioner and the statements of the counsel for the parties qua compromise, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner is admitted to regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

Petition stands allowed accordingly.

(VINOD S. BHARDWAJ)
JUDGE

07.07.2022
rajender

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