

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-41346-2018
Date of decision : 20.04.2022

Vinay Mishra

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Shakti Paul Sharma, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

Mr.Balwinder Singh Sudan, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.538 dated 22.08.2017 registered under Sections 34, 406 and 506 IPC at Police Station Sonapat City.

On 15.02.2022 this Court was pleased to pass the following order:-

“Learned counsel for the petitioner has submitted that as per the petitioner, only an amount of Rs.20 lakhs is due to the complainant and out of the said amount, the petitioner has already paid an amount of Rs.3,71,950/- to the complainant. It is further submitted that the petitioner is ready to pay some more amount, but he needs time. It is also submitted that the petitioner is ready to pay Rs.2 lakhs to the complainant as part payment within a period of two months from today.

Learned counsel for the complainant has disputed the amount due and the amount stated to have been paid by the petitioner.

Be that as it may, adjourned to 20.04.2022.

Learned counsel for the petitioner is directed to get a demand draft of Rs.2,00,000/- in the name of complainant on the next date of hearing.

It is made clear that in case the demand draft of Rs.2,00,000/- in the name of complainant is not brought on the next date of hearing, the interim order granted in favour of the petitioner would be liable to be vacated.

February 15, 2022

**(VIKAS BAHL)
JUDGE”**

In pursuance of said order, the petitioner has brought a demand draft of Rs.2,50,000/- in the name of the complainant Pradeep Kumar and has handed over the same to the complainant who is present in the Court.

Learned counsel for the petitioner has submitted that additional amount of Rs.25,000/- has already been transferred electronically in the account of the complainant. It is also submitted that the petitioner has already joined investigation and the entire dispute is based on documents and thus, the custodial interrogation of the petitioner is not required. Learned counsel for the petitioner has also submitted that he would make all efforts to finally compromise the matter so that the petition for quashing of the present FIR may be filed on the basis of compromise.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for custodial interrogation.

Learned counsel for the complainant has admitted the fact of receipt of the demand draft of Rs.2,50,000/- as well as amount of Rs.25,000/- in the account of the complainant. It is submitted that the complainant would also make all best efforts to finally compromise the matter.

case, moreso the fact that the petitioner in order to show his bonafide has complied with the order dated 15.02.2022 and also joined investigation, the present petition for anticipatory bail is allowed and interim order dated 20.09.2018 is made absolute.

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 petition.

(VIKAS BAHL)
JUDGE

April 20, 2022
Davinder Kumar

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