

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

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**CRM-M-32643-2022
Date of decision: 28.07.2022**

LAKHWINDER SINGH ALIAS GAGANDEEP SINGHPetitioner

Versus

STATE OF UT CHANDIGARHRespondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present : Mr. Tarunveer Vashist, Advocate
for the petitioner.

Mr. Shashank Bhandari, Addl. P.P., U.T., Chandigarh.

SURESHWAR THAKUR, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C., wherein the petitioner seeks the indulgence of this court, for grant of anticipatory bail.

2. In FIR bearing No. 97 of 12.05.2022, registered at Police Station Sector-36, Chandigarh, offences constituted under Sections 420 and 120-B of the IPC, are embodied.

3. The incrimination drawn against the present bail petitioner is anchored upon the factum, of his through making a false promise, of providing the job of a peon, to the victim-complainant, at the PGI, Chandigarh, his duping him of a sum of Rs. 60,000/-. The above drawn incrimination, is prima facie, well founded, as the above sums of money became entered into the account of the present bail petitioner.

4. Therefore, the present bail petitioner is to ensure the

recovery of the afore duped sums of money either to the investigating officer concerned, or, to the complainant.

5. Given the above, this court may have ordered for the custodial interrogation of the present bail petitioner, but since the learned counsel for the petitioner, on instructions given to him, by the bail petitioner submits, that he is ready, and, willing to deposit within a week from today, the above duped sum of Rs. 60,000/-, in the establishment of the learned trial Judge concerned, but its disbursement being ordered to be regulated by the outcome of the trial, as may become entered into the petition FIR, by the learned trial Judge concerned.

6. Consequently, this court after accepting the above made statement, at the bar, by the learned counsel for the petitioner, makes it as a condition precedent for the present bail petitioner becoming admitted to pre-arrest bail.

7. However, it is clarified that in case, during the pendency of the investigations of the petition FIR, a compromise is drawn amongst all concerned, thereupon, it is open to the victim-complainant, to move an appropriate application, before the learned trial Judge concerned, for seeking composition of the offences, as arises from the petition FIR, and, subsequently the learned trial Judge concerned, may pass appropriate orders thereons. Further, in case the learned trial Judge concerned proceeds to accept the proposal of all concerned, to compound the petition offences, thereupon, it is open to the trial Judge concerned, to proceed to lawfully release the above deposited sums of

the money in its establishment, to the victim-complainant.

8. Moreover, also, when at this stage no evidence has been adduced by the prosecution, suggestive that in the event of the bail petitioner being enlarged on anticipatory bail, there is every likelihood of his fleeing from justice, and/or, tampering with prosecution evidence, thereupon too, it is not deemed fit to decline the relief of pre-arrest bail to the petitioner.

9. In aftermath, the present petition is allowed, and, the bail applicant-petitioner is admitted to anticipatory bail, and with the above condition precedent, and, in the event of his arrest, he may not be arrested by the investigating officer concerned, but subject to the bail applicant-petitioner furnishing personal, and, surety bonds in the sum of Rs.50,000/- each, to the satisfaction of the arresting officer. Furthermore, the bail applicant-petitioner shall also give an undertaking before the arresting officer, that as and when he is summoned through a written Hukamnama, he shall ensure his rendering cooperation to the investigating officer.

10. It is also clarified that the disbursement, of the above amounts of money, as, become deposited in the establishment of the learned trial Judge concerned, would be regulated by the outcome of the trial concerned, and, also, in case both the petitioner-accused, and, the respondent enter into a compromise, and, make a joint application for the compounding of the petition offences, thereupon, it is open to the learned jurisdictionally empowered Magistrate, to pass lawful orders thereon, and, to also in accordance with law, release the deposited sums of money, in its establishment, to the victim-complainant.

11. The afore observations are meant only for the disposal of

the present petition, and, shall not affect the merits of the trial arising from FIR (supra).

28.07.2022
kavneet singh

(SURESHWAR THAKUR)
JUDGE

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