

**(229) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-33290-2022
Date of Decision: 04.08.2022**

Shakti Kashyap

... Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. M.S. Atwal, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.49 dated 07.06.2022 under Sections 420, 406 IPC with Police Station Talwara (Annexure P-1) and Sections 467, 468 IPC were added later on vide G.D. No.22 dated 08.06.2022 registered with Police Station Talwara.

2. The brief facts of the case are that the present FIR came to be registered at the instance of one Leela Devi, who stated that she was working as a labour and had opened an account in Punjab National Bank, Karadi Sub Division Mukeria to deposit her household savings. On 04.06.2022, at around 04.00 PM, she came to know from the women of the village that a young boy pertaining to the Aam Aadmi Party had come to the house of a woman namely, Tripta Devi and all ladies above the age of 18 years were to receive a sum of Rs.1000/- monthly as had been announced by the Aam Aadmi Party. When she reached the house of Tripta Devi, Darshana Devi wife of Shadi Lal

and 40/50 other ladies were filling in their pension forms with the boy who was said to be Shakti Kashyap (the present petitioner). The said boy filled the form for the ladies and stated that all of them had been registered to receive Rs.1000/- as pension. On 06.06.2022, she along with Darshana Devi went to withdraw their money from the Punjab National Bank, Karadi Sub Division Mukeria, where the bank employees told them that an amount of Rs.10,000/- and Rs.2400/- each from her account and that of Darshana Devi had been transferred to Shakti Kashyap's account. On the basis of these allegations, the present FIR came to be registered.

3. The learned counsel for the petitioner at the very outset submits that the amount in question already stands returned to the complainant and as such nothing remains to be recovered from the petitioner. With the intervention of the respectables of the village, a compromise has been effected between the parties (Annexure P-3). Based on the said compromise, a quashing on the basis of compromise has been filed before this Court vide CRM-M-32797-2022, in which this Court vide order dated 28.07.2022 has ordered the recording of the statements of both the parties. He, thus contends that the petitioner who has been in custody since 07.06.2022 ought to be granted the concession of regular bail in view of the factum of compromise.

4. On the other hand, the learned State counsel submits that two ladies have been cheated and as such, the petitioner does not deserves the concession of regular bail. He however, fairly does not dispute the factum of a compromise having been effected between the parties.

5. I have heard the learned counsel for both the parties at length.

6. A perusal of the petition itself would show that the money allegedly taken by the petitioner from the ladies i.e. the complainant and Darshana Devi stands returned to the said ladies. A compromise (Annexure P-3) has been effected between the parties and a quashing on the basis of compromise has also been filed. The petitioner has been in custody since 07.06.2022 and does not seem to have any other criminal antecedents. Therefore, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

(JASJIT SINGH BEDI)
JUDGE

04.08.2022

JITESH

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