

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40476-2022

Date of decision : 28.09.2022

Rajwinder Singh @ Maan @ Leela

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rajan Singh Dadwal, Advocate
for the petitioner.

Mr.Ramdeep Partap Singh, Sr.DAG, Punjab.

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.141 dated 24.09.2021 registered under Sections 420, 406, 467, 468, 294, 506 and 120-B IPC at Police Station Sadar Jagraon, District Ludhiana Rural.

On 06.09.2022, this Court was pleased to pass the following order:-

“Inter alia, contends that in the present case, a compromise dated 09.12.2021 had taken place between the petitioner and the complainant Surinder Singh, as per which, an amount of Rs.10,50,000/- was to be paid to the said complainant and Rs.3,00,000/- was to be paid at the time of entering of the compromise and the balance amount was left to be paid i.e. Rs.7,50,000/-. It is further submitted that a petition under Section 482 Cr.P.C. for quashing of FIR on the basis of compromise was filed and this Court was pleased to issue notice of motion in the same, but however, on account of the fact that there were three other victims i.e., Harwinder Singh, Harjit Singh and Harkiranpreet Singh who were not made parties to the said

petition, the petitioner had withdrawn the same with liberty to file fresh petition after impleading all the concerned parties and after effecting a compromise with all the said persons. It is further submitted that the petitioner has already paid a sum of Rs.7,50,000/- to complainant Surinder Singh and regarding the same, has referred to Annexures P-5 and P-6. It is also submitted that in order to show the bona-fide and without admitting his liability, the petitioner is ready to pay Rs.1,00,000/- each to the aforesaid three victims i.e., Harwinder Singh, Harjit Singh and Harkiranpreet Singh (total Rs.3 lakhs) within a period of two weeks from today.

Notice of motion for 28.09.2022.

On asking of the Court, Mr. Tarun Aggarwal, Senior DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Petitioner is directed to get the demand drafts of Rs.1,00,000/- each in the name of the three victims i.e., Harwinder Singh, Harjit Singh and Harkiranpreet Singh and hand over the same to the Investigating Officer within a period of two weeks from today. The investigating officer is directed to hand over the said demand drafts to the three victims i.e., Harwinder Singh, Harjit Singh and Harkiranpreet Singh, after taking receipt regarding the same.

It is made clear that in case the said demand drafts are not handed over to the victims i.e., Harwinder Singh, Harjit Singh and Harkiranpreet Singh within the said period of two weeks from today, then the interim order granted in favour of the petitioner would be liable to be vacated. The said payment however, would not be construed as an admission of guilt by the petitioner.

(VIKAS BAHL)
JUDGE”

September 06, 2022

Learned counsel for the petitioner has submitted that in

pursuance of the said order, the petitioner has joined the investigation and

has handed over the demand drafts of Rs.1,00,000/- each in the name of the victims to the Investigating Officer.

Learned State counsel has submitted that the petitioner has joined investigation and is not required for further investigation and has admitted the fact that the petitioner has given the demand drafts of Rs.1,00,000/- each in the name of the victims to the Investigating Officer, who has further given the same to the victims.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 06.09.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation and the fact that the petitioner has given the demand drafts of Rs.1,00,000/- each in the name of the victims to the Investigating Officer, the present petition is allowed and the interim order dated 06.09.2022 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

September 28, 2022
Davinder Kumar

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