

207

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

CRM-M-42652-2022

Date of decision : 10.10.2022

Rajwinder Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. M.S. Kathuria, Advocate for
Mr. Partap Singh, Advocate for the petitioner.

Mr. Dhruv Sihag, AAG, Haryana.

Mr. Naveen Siwach, Advocate for the complainants.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.4 dated 07.01.2021 registered under Sections 406, 420, 506 of the Indian Penal Code, 1860 and Section 24 of the Immigration Act, (Section 384 of IPC has been added later on) at Police Station Munak, District Karnal, Haryana.

On 16.09.2022, this Court had passed the following order:-

“Inter alia contends that in the present case, the matter has been compromised vide compromise dated 19.07.2022 and the petitioner had paid an amount of Rs.1,60,000/- to the complainant parties and the same has been specifically mentioned in the compromise dated

19.07.2022. It is submitted that in order to show his bonafide and without admitting his liability, the petitioner is ready to pay even the balance amount as per the case of the prosecution which is Rs.1,92,000/-.

Notice of motion for 10.10.2022.

In the meantime, in the event of arrest, the petitioner is ordered to 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.

The petitioner is directed to prepare two demand drafts, one for an amount of Rs.1,50,000/- in the name of the complainant and another demand draft for an amount of Rs.42,000/- in the name of Ajmer and hand over the same to the Investigating Officer within a period of two weeks from today and the Investigating Officer is directed to hand over the same to the complainant and Ajmer after taking receipt from them.

It is made clear that in case the demand drafts of the said amount are not handed over to the Investigating Officer within a period of two weeks from today, then the interim order granted is liable to be vacated. The payment of Rs.1,92,000/- to the complainant and Ajmer would be not construed as an admission of guilt by the petitioner. ”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order dated 16.09.2022, the petitioner has joined the investigation. It is further submitted that the petitioner has also made the payment of balance amount of Rs.1,92,000/- into the account of complainant who is father of Ajmer.

Learned counsel for the complainant has submitted that the complainant and his son namely Ajmer had received the amount from the petitioner in compliance of order dated 16.09.2022 passed by this Court and has further submitted that they have no objection in case the present petition is allowed.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 16.09.2022 and that the petitioner had made the payment of balance amount of Rs.1,92,000/- which has been received by the complainant who is father Ajmer and also in view of no objection from the complainant, the present petition is allowed and the interim order dated 16.09.2022 is ordered to be made absolute.

However, 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 application.

10.10.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**