

212

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

CRM-M-454-2021

Date of decision : 21.12.2022

Bahadur Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vishal Sharma, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Gautam Dutt, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.158 dated 05.04.2018 registered under Sections 406, 419, 420, 467, 468, 471, 506, 120-B of Indian Penal Code, 1860 at Police Station Badshahpur, Gurugram.

On 22.04.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

Prayer is for grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.158 dated 05.04.2018 registered under Sections 406, 419, 420, 467, 468, 471, 506, 120-B IPC at Police Station Badshahpur, Gurugram.

On 17.03.2021, following order was passed by this Court:-

“During pendency of CRM-M No.17868 of 2018, settlement/agreement was executed between the petitioner and representative of the complainant company. Petitioner

agreed to pay the total sum of Rs.3,35,00,000/- to the complainant in 9 equitable installments from his personal account or from the account of BRM Developers. Petitioner could not follow the schedule. Only an amount of Rs.88,00,000/- was paid upto 22.02.2019. Thereafter, the petitioner was declared as proclaimed offender and he was arrested only on 24.09.2020 and an additional amount of Rs.4,00,000/- was recovered from him. Challan has already been presented on 21.11.2020.

Learned counsel for the petitioner seeks short adjournment in order to ascertain whether family members on behalf of the petitioner are ready to part with some amount in order to show bona fide of the petitioner for further fixing of schedule for repayment of the remaining amount as per settlement arrived at between the parties on 04.10.2018.

Adjourned to 24.03.2021.”

Learned counsel for the petitioner submits that the petitioner has brought a demand draft of Rs.10 lakhs in the name of the complainant-Company. If interim bail is granted to the petitioner, then he would arrange Rs.25 lakhs in the next month in order to show his bona fide. The settled amount of Rs.3,35,00,000/- was to be paid in nine installments. The last installment was fixed for Rs.55 lakhs. All other installments were equitable installments in the sum of Rs.35 lakhs each. After paying one installment of Rs.35 lakhs i.e. Rs.10 lakhs today itself and Rs.25 lakhs in the next month, the petitioner would plead his bona fide for further payments of equitable installments with the leave of the Court.

Learned counsel for the complainant agrees to the aforesaid proposal at this stage.

On the other hand, learned State counsel submits that since the petitioner was declared as proclaimed offender and was arrested only on 24.09.2020, therefore, his presence is required in the Court after filing of the challan.

In response to the aforesaid, learned counsel for the petitioner submits that the petitioner would appear before the trial Court on each and every date of hearing, provided interim bail is granted.

After hearing learned counsel for the parties, it would appropriate to grant interim bail to the petitioner in order to enable him to honour the commitment arising out of compromise between the parties. The demand draft in a sum of Rs.10 lakhs be handed over to learned counsel for the complainant today itself. Petitioner shall bring Demand Draft in a sum of Rs.25 lakhs in favour of complainant-Company on or before the next date of hearing.

In view of above, petitioner is ordered to be released on interim bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Adjourned to 24.05.2021.

22.04.2021

Sd/- (RAJ MOHAN SINGH)

JUDGE”

On 12.12.2022, this Court has passed the following order:-

“Learned counsel for the petitioner has submitted that subsequent to the order dated 24.08.2022, the parties have met on more than one occasion and a schedule has been prepared by the petitioner and copy of the same has been handed over to the counsel for the complainant.

Learned counsel for the complainant has submitted that he has received the copy of the schedule in the Court today and seeks time to get necessary instructions regarding the same.

Adjourned to 21.12.2022.

A photocopy of this order be placed on the file of the other

connected case.”

Learned counsel for the petitioner as well as complainant have jointly submitted that in the present case, settlement dated 21.12.2022 has been arrived at and a copy of the same has been given to the Court which has been duly signed by the petitioner and the complainant and the same is taken on record and marked as Mark “A”.

Both the learned counsel, on instructions from petitioner and the complainant respectively, who are also stated to be present in the Court and have been duly identified by their respective counsels, have stated that they will adhere to the terms of the said compromise and have prayed that since, the matter has been compromised thus, the order granting interim bail to the petitioner be confirmed and the present petition be allowed.

Keeping in view the abovesaid facts and circumstances, more so, the fact that in the present case, settlement dated 21.12.2022 has been arrived at and also the fact that the petitioner is on interim bail since 22.04.2021 and is not stated to have misused the same and also the fact that the present case is based on documentary evidence, thus, the present petition is allowed and interim order dated 22.04.2021 is ordered to be 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 application.

21.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No