

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-51479-2022

Date of Decision: 12.12.2022

RAVI BHATIA

... Petitioner

VS.

STATE OF U.T. CHANDIGARH

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. Vivek Saini, Advocate for the petitioner

Ms. Sudha Singh, Advocate for the respondent

Ms. Pooja Pande, Advocate for the complainant

Sandeep Moudgil, J. (Oral)

(1) The petitioner has filed petition under Section 439 CrPC seeking regular bail in case FIR No.117 dated 15.07.2022 under Sections 420/465/467/468/471/120-B IPC and Section 24 of the Immigration Act, 1983, registered at Police Station South Sector 34, Chandigarh.

(2) Learned counsel for the petitioner states that as per the order dated 17.11.2021, he has instructions to submit before this Court that the petitioner is ready and willing to deposit the amount of Rs.5 lakhs, at this stage, by way of fixed deposit in the name of the complainant, however, subject to final outcome of the trial proceedings. He further submits that receipts relied upon by the complainant are also disputed which also seems to be ante-dated and fabricated as one of the receipts No.1009 is for an amount of Rs.2.5 lakhs which is dated 25.10.2012 whereas, the subsequent receipt No.1025 is for an amount of Rs.3 lakhs, prior in date to the aforesaid receipt i.e. 02.10.2012, which makes the prosecution case highly doubtful. Another aspect is that on those receipts, petitioner has disputed with regard to the seal

of the firm with wrong spelling of the name where instead of “Gayatri”, the seal bears the name as “Gayatri”.

(3) Notice of motion.

(4) On the asking of the Court, Ms. Sudha Singh, Advocate for the UT Chandigarh accepts notice on behalf of the respondent. She has placed on record custody certificate dated 11.12.2022, as per which, the total undergone period of custody by the petitioner is 4 months and 13 days.

(5) Ms. Pooja Pande, Advocate has put in appearance on behalf of the complainant. She states that an amount of Rs.5 lakhs is too mere as against the outstanding amount of Rs.18 lakhs and is interested in settling the accounts rather than pursuing the litigation.

(6) Keeping in view the totality of the facts and the *bona fides* of the parties and since the conclusion of the trial is likely to take time, no fruitful purpose would be served by keeping the petitioner behind the bars, this petition is allowed and the petitioner is directed to be released on regular bail on furnishing bail and surety bonds to the satisfaction of the trial Court/Illaq Magistrate, concerned.

12.12.2022

V.Vishal

(Sandeep Moudgil)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No