

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7601-2023
DECIDED ON:14.02.2023

HARPREET SHARMA

.....PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vipul Babuta, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

Prayer in the present petition under Section 482 of Cr.P.C., for issuing necessary directions to the Illaqa Magistrate cum Judicial Magistrate First Class, Gurdaspur to release the FDR amounting to Rs.3,00,000/- in favour of the petitioner which was deposited in compliance to the order dated 14.02.2022 (Annexure P-2) passed by this Court in FIR No.0007 dated 21.01.2022 (Annexure P-1), under Sections 420 and 406 of IPC, 1860 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Kalanaur, District Gurdaspur as the matter has been compromised between the parties and the said FIR has already been quashed by this Court vide order dated 23.01.2023 (Annexure P-6) passed in CRM-M-52273-2022.

It has been further asserted by the learned counsel for the petitioner that as per the compromise dated 14.10.2022 (Annexure P-5) clause 3(e), the amount which was subjected to the final outcome of the dispute

between the parties is now to be released in favour of the petitioner as has been agreed between the petitioner and the private respondents No.2 & 3.

Mr. Deepak Kumar, Advocate has put in appearance on behalf of respondents No.2 & 3 and has filed memorandum of appearance, which is taken on record. He states that he has no objection in case the FDR for an amount of Rs.3,00,000/- deposited with the Illaqa Magistrate is released in favour of the petitioner to comply with the conditions of the settlement dated 14.10.2022 (Annexure P-5) arrived at between the parties, wherein clause 3(e) reads as under:-

It has been agreed between the parties that the First Party no.2 Harpreet Sharma has filed one petition CRM-M-6197-2022 titled as Harpreet Sharma vs. State of Punjab for grant of anticipatory bail in the Hon'ble Punjab and Haryana High Court and vide order dated 14.02.2022, the hon'ble court has granted bail subject to depositing of Rs.3,00,000/- with the Illaqa Magistrate and the said amount was deposited by First Party no.2 Harpreet Sharma and now if the First Party no.2 Harpreet Sharma file petition in the Hon'ble Punjab and Haryana High Court or before the Illaqa Magistrate for the release of the said amount of Rs.3,00,000/- in that case second party will have no objection and the second party shall appear in Hon'ble court on first hearing by appointing counsel of their own and shall be bound to give statement or any document and if second party is required to go and give statement anywhere else then second party shall be bound to go and give the statement in favour of the First Party.

In the light of the aforesaid fact and the statement with regard to the non-objection recorded by the counsel for the respondents No.2 & 3, the petition is allowed.

The Illaqa Magistrate is directed to release the FDR for an amount of Rs.3,00,000/- lying deposited as stated hereinabove to the petitioner.

In case any application to the said effect is moved before the Illaqa Magistrate, the said application shall be disposed within a period of one week by the Illaqa Magistrate.

In view of the above, petition stands disposed of.

14.02.2023
Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>