

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-8512-2023

Date of Decision:-23.02.2023

Sandeep Kumar @ Kala.

.....Petitioner.

Versus

The State of Haryana & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sushil Bhardwaj, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Satbir Rathore, Advocate for the Complainant.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.223 dated 14.08.2022 under Sections 406, 420 IPC (Challan filed under Sections 120-B, 212, 370, 384, 406, 420 IPC) and Section 24 of the Immigration Act registered at Police Station Nigdhu, District Karnal.

2. The brief facts of the case are that accused in order to send the complainant and his family members abroad took a huge amount of money from them. However, the complainant party was neither sent abroad nor was the money refunded back.

3. The Counsel for the petitioner contends that he is in custody since 16.08.2022 and none of the 12 prosecution witnesses have been examined so far. Meanwhile a compromise has been entered into between the parties on 06.1.2023 and also acted upon, in as much as a sum of Rs.11 lacs stands paid to the complainant party. He contends that the co-accused of the petitioner namely Gurpreet Singh has been granted the concession of

interim anticipatory bail by this court based on the compromise vide order dated 31.01.2023. He thus prays that he be granted the concession of bail.

4. The learned State counsel on the other hand has admitted the fact that a compromise has been effected between the parties.

5. The Counsel for the complainant has also admitted the factum of a compromise having been effected between the parties and states that he has no objection if the petitioner is granted the concession of bail.

6. I have heard the learned counsel for the parties.

7. Admittedly, the petitioner is in custody since 16.08.2022. None of the 12 PWs have been examined. A compromise has been effected between the parties and co-accused Gurpreet Singh has been granted the concession of interim anticipatory bail. Therefore, the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-**Sandeep Kumar @ Kala** son of Sh. Som Parkash is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

February 22, 2023
Vinay

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