

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27222-2023 and
CRM-M-27218-2023
DECIDED ON: 08.11.2023

SIMRANJEET SINGHPETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHERRESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Puja Chopra, Advocate
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

Ms. Priya Sharma, Advocate with
Mr. Mohit Sharma, Advocate
for respondent No.2.

SANDEEP MOUDGIL, J (ORAL)

This order of mine shall dispose of both the above-said petitions.

Today, learned counsel for respondent No.2 has produced a demand draft bearing No.018022, dated 07.11.2023, amounting to Rs. 10 lacs, drawn on HDFC Bank, copy whereof has been taken on record, towards the undertaking given before this Court for returning the amount of Rs.44 lacs, which was received by him as earnest money. Out of this amount, an amount of Rs.15 lacs was paid back to the petitioner with the remaining at Rs.19 lacs.

During the hearing in CRM-M-52256-2022, petitioner-Ranjit Singh @ Jeet Singh made a statement to his advocate that he is willing to refund the payment along with interest, to which respondent No.2-complainant was not averse, as is evident from order dated 18.11.2022. Subsequently on 30.01.2023, co-accused Gurpreet Singh in CRM-M-38621-2022, which was being heard along with CRM-M-52256-2022 handed over a demand draft in favour of the complainant namely

Simranjit Singh for an amount of Rs.15 lacs. At that stage, since the petitioner and the complainant were ad idem to settle the dispute in view of the statement made by the accused Ranjit Singh @ Jeet Singh and co-accused Gurpreet Singh, the regular bail was granted to Ranjit Singh @ Jeet Singh-petitioner.

Since the respondent(s)/accused did not adhere to the undertaking/statement made before this Court in view of which he was awarded the concession of regular bail, the present petition came to be filed seeking cancellation of anticipatory bail to respondent No.2, which was awarded vide order dated 11.05.2023 in CRM-M-38621-2022-Gurpreet Singh versus State of Punjab and another.

The contention made in this instant petition on behalf of Simranjit Singh-complainant that except Rs.15 lacs paid before this Court on 30.01.2023, nothing thereafter has been paid and intentions of the respondent(s)/accused are malicious and mischievous, who have availed the benefit of anticipatory bail as well as regular bail on wrong premise making false statement before this Court and prays for cancellation of said relief.

Having issued notice of motion for 21.08.2023 in the said petition, Mr. Mohit Sharma, Advocate appeared on behalf of the accused-respondent No.2 and sought time to comply with the terms and conditions of the settlement in the light of which anticipatory bail to Gurpreet Singh was granted and regular bail to Ranjit Singh @ Jeet Singh vide separate orders dated 30.01.2023 and 11.05.2023 (Annexure P-6 & P-1) respectively and hearing was deferred to 05.09.2023.

On the adjourned date, the matter was adjourned on the request of counsel for the petitioner to 08.11.2023.

Today, another amount of Rs.10 lacs by way of demand draft dated 07.11.2023 in favour of the complainant drawn at HDFC Bank has been paid in

Court with the remaining amount at Rs.19 lacs.

Learned counsel for respondent No.2 has undertaken before this Court that balance amount of Rs.19 lacs will be paid back to the complainant Simranjit Singh on or before 15.12.2023 and therefore, learned counsel for both the parties agrees to dispose of the instant petition in the light of this backdrop of facts and statement.

However, before proceeding on the basis of aforesaid undertakings, this Court is of the considerate view that in case respondent No.2 do not adhere to the statement made on his behalf, today in Court, who shall return the balance amount of Rs.19 lacs on or before 15.12.2023 and in case this undertaking is violated even for a single date, the orders dated 11.05.2023 and 30.01.2023, passed in CRM-M-38621-2022 and CRM-M-52256-2022 would automatically stand recalled. The petitioner would be at liberty to move the necessary application before the trial Court for the cancellation of bail/surety bonds and in case any such application is preferred before it, the same shall be adjudicated within two days thereafter.

The instant petitions stand disposed of in the aforesaid terms.

08.11.2023

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

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