

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

CRM-M No.30319 of 2023 (O&M)

Date of Decision: 14.07.2023

Nirmal Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Amitoj Singh Dhaliwal, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG, Punjab for the respondent.

Mr. Vinay Puri, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of bail pending trial to the petitioner in FIR No.0014 dated 19.01.2023, under Sections 406, 420, 465, 467, 468, 471 & 120-B of the Indian Penal Code, 1860, registered at Police Station Division No.6, District Police Commissionerate Jalandhar.

2. It transpires that above FIR was registered on the basis of statement made by complainant-Malkit Singh (Recovery Inspector of Mirage Advances Pvt. Ltd.) to the effect that on 06.04.2017, petitioner-Nirmal Singh availed loan of Rs.7,05,600/- (Rs.4,60,00/- Principal Amount + Rs.02,41,970/- Interest) against his vehicle bearing registration No.PB-10CK-3233; but he made default in return of loan amount. Petitioner also availed another loan

from AU Small Finance Bank against the aforesaid vehicle on the basis of alleged fake NOC.

3. This Court, while issuing notice of motion on 16.06.2023, granted interim bail to petitioner in the following manner:-

“Contends, inter-alia, that matter has been compromised between the parties at their own level.

Notice of motion.

Mr. Gurpreet Singh Sandhu, learned Deputy Advocate General, Punjab, accepts notice and seeks time to verify the aforesaid factual position.

Posted for 14.07.2023.

Till the next date of hearing, petitioner be released on interim bail in the present case on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court / CJM / Duty Magistrate concerned.”

4. Jointly stated that matter has been amicably settled between the parties i.e. petitioner & Banker at their own level and moreover, in compliance of the aforesaid order, petitioner is regularly appearing before the Court below.

5. Learned State Counsel on instructions from the quarter concerned has acknowledged the above factual position.

6. Heard both sides and perused the paper-book.

7. Since the parties have settled the dispute at their own level; thus, without going into the legality and validity of the same, this Court deems it appropriate to accept the prayer of petitioner.

8. Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 16.06.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

9. Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
10. The above observations may not be construed as an expression of opinion on the merits of the case.
11. It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.
12. Disposed off accordingly.

May 14th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No