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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-43414-2023

Date of Decision: 06.09.2023

SURESH KUMAR LUTHRA

... Petitioner

Versus

U.T. CHANDIGARH

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Rahil Mahajan, Advocate
for the petitioner.

Mr. A.M. Punchhi, P.P., U.T., Chandigarh.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail in case bearing FIR No.79 dated 18.07.2023 (Annexure P-1) registered under Sections 406, 420, 120-B, 476, 468, 471 IPC at Police Station Cyber Crime, Chandigarh.

2. The brief facts of the case are that the statement of Balwinder Kaur was recorded to the effected that she was the proprietor of M/s Laksh Enterprises and was in the business of sale of books. A phone call was received from mobile No.6386211445 and the caller identified himself as a proprietor of a firm namely, Sai Enterprises, Manimajra. He (accused) disclosed that they required many books for different schools and based on the said demand, she (complainant) despatched material books and copies worth Rs.3.50 lakhs on the address given by the caller (accused). A GST number had also been provided. The said books were unloaded at the address

disclosed by the caller and the person informed the auto-rickshaw driver that he would be transferring money in the name of the owner (complainant). However, the same was not done. On inquiry it transpired that the GST number was of some firm of Lucknow. Legal action was sought.

3. The learned counsel for the petitioner contends that a compromise has been arrived at between the parties and the complainant has received a total payment of Rs.3,47,500/- as a full and final settlement of the dispute. Pursuant thereto, a quashing petition based on the compromise has been filed before this Court bearing CRM-M-44521-2023 and the same now listed for hearing on 19.10.2023. As the petitioner was in custody since 20.07.2023, he was entitled to the concession of bail.

4. On the other hand, the learned counsel for the State contends that the petitioner is a habitual offender with three other cases registered against him in two of which he has been declared a proclaimed offender. In addition, there were multiple cases under the Negotiable Instruments Act pending against the petitioner. Therefore, he was not entitled to the concession of bail. He, however, does not dispute the fact that a compromise has been arrived at between the parties.

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

6. Admittedly, the petitioner is in custody since 20.07.2023. A compromise has been effected between the parties as is evident from the fact that CRM-M-44521-2023 has been filed for quashing of the instant FIR on the basis of a compromise in which notice had been issued by this Court for

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19.10.2023. In this view of the matter, the further incarceration of the petitioner is not required.

7. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Suresh Kumra Luthra son of Manohar Lal Luthra is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

06.09.2023

JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No