

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

216

CRM-M-13053-2024

Date of decision: 02.04.2024

Satinder Kumar

.....Petitioner

Versus

State of UT, Chandigarh and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Sanjeev Patiyal, Advocate
for the petitioner.

Mr. Manish Bansal, P.P., U.T., Chandigarh with
Ms. Diksha Sharma, Advocate assisted by
ASI Rishi Kumar.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner in the instant (second) petition is seeking the concession of bail under Section 439 of the Cr.P.C. in case FIR No.15 dated 03.02.2022 under Sections 420 of the IPC registered at Police Station Sector 3 (North), Chandigarh.

2. Learned counsel for the petitioner inter alia contends that no doubt the earlier petition seeking similar relief under Section 439 of the Cr.P.C. was dismissed by this Court on 23.01.2024, however, subsequently the parties had amicably settled all their disputes and some amount allegedly cheated by the petitioner had also been returned to the complainant. Learned counsel submits that in the circumstances, further incarceration of the petitioner would serve no useful purpose moreso when the case in hand rests on documentary evidence. It has also been submitted that the investigation in the case in hand is

complete as challan stands presented.

3. Mr. Navneet Sharma, Advocate has entered appearance on behalf of the complainant/respondent No.2 and filed his power of attorney which is taken on record. He has not disputed the submissions made by the counsel opposite qua the matter having been amicably settled between the parties. He has also not disputed that a substantial sum of the amount allegedly paid to the petitioner by the complainant stands returned to him. Learned counsel has also submitted that the parties would be approaching this Court under Section 482 of the Cr.P.C. for quashing of the FIR in question on the basis of compromise once the petitioner is enlarged on bail.

4. Learned Public Prosecutor for U.T. Chandigarh, however, has opposed the prayer made by learned counsel for the petitioner and has submitted that the petitioner has criminal antecedents and had been cheating various innocent persons of their hard earned money.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. In the facts and circumstances as enumerated hereinabove, further incarceration of the petitioner, who has now been in custody since 27.09.2023, would serve no useful purpose as not only the challan stands presented but even the matter stands amicably settled between the parties. This Court, therefore, deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it

is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

02.04.2024

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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