



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

CRM-M-18022-2024

Date of Decision : **05.07.2024**

ANIL KUMAR

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. D.S.Matya, Advocate,
for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

Ms. Tanya, Advocate,
for the complainant

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, the petitioners craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.499, dated 30.08.2022, under Section 406 and 420 of the IPC, registered at Police Station Tehsil Camp, Panipat, District Panipat.

2. The brief facts of the facts, which are culled out by the learned Additional Sessions Judge, Panipat, while declining the regular bail application of the present petitioner, reads as under:-

“2. Brief facts of the prosecution case are that the present FIR was lodged on the complaint of Neelam wife of Ganesh Das Verma received on HM Window, DSP Head Quarter, DPO, Panipat on 30.08.2022 alleging therein that the gang members committed cheating with the innocent persons after making the groups. Her husband Ganesh Dass was also cheated by Krishan Gopal Verma, resident of village Matlauda and his relative Anil Verma, resident of Panipat in collusion with Anil Kumar Gurjar resident of village Bhuslana, District Jind and Vishnu Shukla of Bharuch (Gujrat) by giving offer for exchange of gold on 10% to 15% discount and the above said gang cheated a sum of 20,00,000/- from her husband by

giving false assurance on 02.03.2021. They have talked with the members of the said gang namely Krishan Gopal Verma, Anil Verma, Anil Gurjar and Vishnu Shukla on 02.04.2021 but they are giving false assurance to give the gold to them or to return the cash but they did not return the same to complainant till today. It is further mentioned in the complaint by the complainant that her husband Ganesh Dass Verma is running a jewellery shop at village Bhulsana, District Jind and used to go daily from Ram Nagar, Panipat to his jewellery shop. Legal action should be taken against the culprits. On this complaint, formal FIR under Section 499 dated 30.08.2022 under Sections 406, 420 IPC was got lodged with Police Station, Tehsil Camp, Panipat. After that investigating agency swung into action. The investigation was carried out by SI Ajay Kumar, Police Station, Tehsil Camp, Panipat. The statements of the witnesses were got recorded. Copy of the ticket of train has been produced by the victim Ganesh Dass, which was taken by the police in their possession vide recovery memo. One pen drive has also been produced by the Ganesh Dass which was taken by the police in their possession vide recovery memo. Later on, the investigation was carried out by SI Vinod Kumar, Police Station, Tehsil Camp, Panipat. After that the investigation was carried out by SI Angrej Singh, CIA-I, Panipat. The accused Anil was joined in the investigation after obtaining the production warrants from the court on 18.12.2023. He was got arrested in the present case. He has suffered his disclosure statement. In pursuance of his disclosure statement, accused Arun Bai Gurdev Pandit @ Vishnu was got arrested in the present case on 23.12.2023 and currency amount of 1,50,000/- was got recovered from the possession of the accused Arun Bai Gurdev @ Vishnu. The currency notes were converted into parcel and the same was sealed with the seal of AK.”

3. In asking for the relief (*supra*), learned counsel for the petitioner, at the very outset submits that though the regular bail petition preferred by the co-accused-Arun Bhai Pandit, has already been dismissed by a co-ordinate Bench of this Court, vide order dated 05.06.2024, however, now the matter has been amicably settled between the parties concerned.

4. He has placed on record a photocopy of a compromise deed dated 04.06.2024, which is taken on record as Annexure 'A'.

5. He further submits that the petitioner is behind the bars since 18.12.2023, but the charges are yet to be framed.

6. At this stage, Ms. Tanya, Advocate, has caused appearance on behalf of complainant-Neelam, through a validly executed power of

attorney in her favour, which is taken on record and she admits the factum of compromise.

7. She further submits that the compromise has been effected between the complainant-Neelam and victim-Ganesh Dass and she extends no objection in case concession of regular bail is granted to the present petitioner.

8. On the other hand, learned State counsel has vociferously opposed the asked for relief.

9. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file.

10. What reflects from the record that the petitioner is behind the bars since 18.12.2023, and after completion of the investigation a final report has already been filed, but the charges are yet to be framed.

11. Be that as it may, considering the fact that since the matter has been compromised between the parties concerned vide compromise deed (*supra*), and offences in which the petitioner is facing trial are triable by a court of Judicial Magistrate Ist Class, which is yet to begin as the charges are yet to be framed, and the petitioner has suffered sufficient incarceration as he is in custody since 18.12.2023, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner, during the pendency of trial. Therefore, without commenting upon the merits and circumstances of the present case, the present petitions are **allowed**. The petitioners are ordered to be released on bail, on furnishing

of their respective bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

12. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court. Moreover, anything observed here-in-above shall have no effect on the merits of the trial and is meant for deciding the present petition only.

July 05, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No