



207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24062-2024 (O&M)

Date of Decision:13.08.2024

Shivendra Singh Sikarwar

...Petitioner

Vs.

State of U.T Chandigarh

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Achin Gupta, Advocate
for the petitioner.

Mr. Manish Bansal, P.P for U.T,Chandigarh.

Mr. Nishant Sandhu, Advocate
for the complainant.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 438 Cr. PC with a prayer to grant anticipatory bail to him in a case FIR No.107 dated 21.10.2023 under Sections 419,420,467,468,471 and 120-B of IPC, registered at Police Station Cyber Crime, District Chandigarh (Annexure P-1).
2. While issuing notice of motion on 15.05.2024, this Court had noticed the following contentions:-

“Learned counsel for the petitioner, at the outset, has pointed out and has placed on record a compromise effected between all the accused and the complainant, whereby the complainant has to be paid the payment of Rs.6,75,224/-(in total), in lieu of the full and final settlement out of which sum of Rs.3,50,000/- has been received by the complainant and the parties are in the process of filing the petition for compromise quashing.”



3. During the course of arguments, learned counsel for the petitioner has reiterated the above submissions. Learned counsel submits that in the present case, the petitioner has already filed a petition for quashing of the FIR on the basis of the compromise vide CRM-M-27614-2024 and the matter has been amicably resolved between the petitioner and the complainant.

4. On the other hand learned State counsel has vehemently opposed the submissions by submitting that the petitioner was involved in a serious crime. Further, the petitioner was joined in the investigation on 22.05.2024 and specific questions were put by the Investigating Officer to him with regard to the account books, cheque book, ATM card and SIM card of the complainant. He further contends that the petitioner was not co-operating in the investigation and had not handed over the documents to the police in the present case. Consequently, a separate application i.e CRM-29078-2024 has already been filed for quashing of the interim order dated 15.05.2024 passed by this Court. However, it is an admitted fact that the petitioner had already joined the investigation and had not misused the concession of interim bail in any manner. Learned State counsel further submits that two similar cases i.e. FIR No. 75 dated 16.09.2017 under Sections 419,420,467,468 of IPC and 66, 66C, 66D of IT Act, Police Station Cyber and Hitech Crime Bhopal (MP) and FIR No.742/2019 under Sections 380,457 of IPC, Police Station Piplani, Bhopal, M.P. were also ordered to be registered against the petitioner and he does not deserve the concession of bail.

5. On the other hand, learned counsel for the complainant, submitted that the complainant had compromised the matter with the present petitioner

and the dispute has been amicably resolved between the parties. He further contends that the petitioner has already filed a petition for quashing of the FIR in the present case on the basis of compromise and he has no objection in case, the present petition is allowed by this Court.

6. I have heard the learned counsel for the parties and perused the record carefully.
7. In the present case, learned State counsel has primarily objected the grant of bail to the petitioner on the ground that certain recoveries are yet to be effected from the petitioner and the petitioner is involved in a serious crime. However, this Court cannot lose sight of the fact that the matter has amicably been resolved between the petitioner and the complainant and all the payments have been made by the petitioner to the complainant in terms of the compromise. Further, the factum of compromise has already been admitted by learned counsel appearing on behalf of complainant and he has no objection in case, the present petition is allowed by this Court. Thus, the objections raised by learned State counsel is liable to be rejected by this Court.
8. As a sequel to above discussion, CRM-29078-2024 is ordered to be dismissed and the interim order dated 15.05.2024 is made absolute. The petitioner shall continue to join the investigation, as and when called by the Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 Cr. PC.

13.08.2024
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No