



CRM-M-30212-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-30212-2024
Date of decision : 20.06.2024

Devender Kumar @ Raju

... Petitioner

Versus

State of Haryana

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.C.S.Pasricha, Advocate and
Mr.Sushil K.Bhardwaj, Advocate
for the petitioner.

Mr.Vivek Chauhan, Addl.A.G. Haryana.

Mr.Fateh Saini, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

1. This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0156 dated 21.05.2024 registered under Sections 406 and 420 IPC at Police Station Sector 5 Panchkula.
2. Learned counsel for the petitioner, on instructions from Bharti Singla, wife of the petitioner, who is present in the Court, has submitted that in the present case, a civil dispute has been sought to be given a criminal colour. It is further submitted that although as per the case of the complainant, a total amount of Rs.82 lacs was given by him to the petitioner

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but as per the statement dated 21.01.2023 (Annexure P-4) made by the complainant in an earlier complaint filed by the complainant on the same allegations, it had been agreed that the present petitioner will return Rs.23 lacs to the complainant and no further action would be taken. It is stated that it is not in dispute that the petitioner had already paid an amount of Rs.3,60,000/- and regarding the balance amount of Rs.20 lacs, the petitioner is ready to pay in two installments of 15 days each and has further stated that there are two cheques of amounts of Rs.10 lacs and Rs.5 lacs, which are in possession of the complainant and the same be returned to the petitioner. It is submitted that the payment of the said amount should not be treated as an admission of guilt on behalf of the petitioner in the criminal case. Learned counsel for the petitioner has submitted that in fact a demand draft of Rs.10 lacs of first installment has already been prepared by the petitioner, which would be given by the petitioner to the Investigating Officer on 21.06.2024 at 12 noon.

3. Learned counsel appearing for the complainant, on instructions from the complainant Daljit Singh, who is present in the Court, has submitted that in fact an amount of Rs.82 lacs was given by the complainant to the petitioner and has submitted that for the purpose of the present anticipatory bail, the complainant would not oppose the same in case the amount of Rs.20 lacs is paid to the complainant and the complainant is also ready to return the said cheques in case the said payment is made. It is submitted that however, the said order should not come in the way of the complainant in instituting proceedings, in accordance with law, with respect

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to the balance amount which as per him is due.

4. Learned State counsel has submitted that the dispute in the present case is primarily between the petitioner and the complainant.

5. Keeping in view the above said facts and circumstances and also the submissions made on behalf of the petitioner and the complainant, the present petition for anticipatory bail is allowed, subject to the following conditions:-

i) In the event of arrest, the petitioner is ordered to be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of Cr.P.C.

ii) The petitioner as well as the complainant would appear before the Investigating Officer on 21.06.2024 at 12 noon and the petitioner would hand over the demand draft of Rs.10 lacs in the name of the complainant to the complainant before the Investigating Officer and in return the complainant would hand over the cheque of the value of Rs.10 lacs to the petitioner.

iii) The petitioner and the complainant would again appear before the Investigating Officer on 15.07.2024 at 12 noon and the petitioner would hand over the second demand draft of an amount of Rs.10 lacs in the name of the complainant



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to the complainant before the Investigating Officer and the complainant would simultaneously return the second cheque of an amount of Rs. 5 lacs to the petitioner.

iv) The payment of said money should not be treated as an admission of guilt on behalf of the petitioner nor the same would be treated as full and final payment of all the dues to the complainant and it would be open to either of two parties to institute proceedings, in accordance with law and raise their pleas for recovery / set off of any amount which as per them is either due or is liable to be set off against either of the two parties.

6. It is made clear that, in case, the petitioner does not comply with the above said conditions, then the State as well as the complainant would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

7. Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

June 20, 2024
Davinder Kumar

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