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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32101-2024
Date of decision : 12.07.2024

Rachit Agarwal
.....Petitioner

versus

State of Haryana and another
..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, A.A.G., Haryana.

Mr. Rishab Garg, Advocate
for respondent No.2.

RAJESH BHARDWAJ, J. (Oral)

Present petition has been filed by the petitioner under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.04 dated 07.01.2024, under Sections 420 and 120-B IPC (Sections 409, 467, 468 and 471 of IPC added later on), registered at Police Station DLF-II, District Gurugram.

Vakalatnama has been filed by Mr. Rishab Garg, Advocate on behalf of respondent No.2 in the Court today, which is taken on record.

As contended by learned counsel for the petitioner, the present FIR was registered due to the misunderstanding between the parties. He submits that both sides are very well educated and settled and the dispute if at all had taken place only for the reason that the petitioner had failed to deliver the goods as per the MoU, to the complainant, within the stipulated time due to some unavoidable circumstances prevailed at that time. He, at the



outset, submits that the petitioner and complainant, thereafter, had duly entered into a compromised dated 14.06.2024, which is placed on record as Annexure P-2 and as on date the part payment of Rs.45 lacs has already been made to the complainant and rest of the payment would also be duly made. He submits that even otherwise the matter is of civil nature and the parties have already resolved their *inter se* dispute. It is submitted that the petitioner has no criminal antecedents and he is behind bars from last one month. It is submitted that in the overall facts and circumstances his further incarceration is totally unwarranted.

Learned counsel for the complainant has duly affirmed the contentions raised by learned counsel for the petitioner and has also affirmed that the parties have entered into the compromise.

Learned State counsel submits that the allegations against the petitioner were specific. However, on instructions, he has submitted that the petitioner has no criminal antecedents.

Heard. On hearing counsel for the parties and perusing the record, it is apparent that the dispute between the parties, as contended by counsels, is of civil nature, however *de hors* the merits of the case, the same already stands resolved. Out of the disputed amount, the part payment has already been made to the complainant and the same has been affirmed by the counsel for the complainant. The counsel for the complainant has also fairly submitted that the compromise has been arrived and he has no objection if the petitioner is released on bail.

The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner

succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

12.07.2024
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(RAJESH BHARDWAJ)
JUDGE

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