



CRM-M-34931-2024

1

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

118

CRM-M-34931-2024

Date of Decision : September 17, 2024

VIRENDER KUMAR

-PETITIONER

V/S

STATE OF PUNJAB AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vaibhav Sharma, Advocate with
Mr. Adarsh Dubey, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Rehat Bir Singh Mann, Advocate with
Mr. Syed Arham Masud, Advocate and
Mr. Wasif Naushad, Advocate
for the respondent No.3.

KULDEEP TIWARI, J. (ORAL)

1. On 23.08.2024, this Court had passed the hereinafter extracted order upon the instant petition:-

“2. Through the instant petition, as instituted under Section 528 of the B.N.S.S., 2023, a prayer is made for quashing the order dated 17.07.2024 (Annexure P-1), as passed by the learned Magistrate concerned, upon CRM/33892/2024, titled as “Sukhman Suri Vs. State of Punjab”.

3. Consequent upon this Court issuing notice upon the instant petition on 23.07.2024, the respondent No.3 has placed on record her reply, through moving an application bearing No. CRM-32072-2024.

4. The learned counsel for the respondent No.3 submits that, without pitching any arguments on merits of the instant petition, the respondent No.3 is ready and willing to, during her visit to abroad, secure



CRM-M-34931-2024

2

the monetary interest of the petitioner, through hers depositing an amount of Rs. 2 crores 12 lacs, besides the amount already deposited by her, in the shape of bank guarantee/FDR drawn in favour of the petitioner/ complainant (Mr. Virender Kumar), as security with the learned trial Court/Magistrate concerned. He further submits that, in case the respondent No.3, consequent upon getting permission to travel to abroad, fails to return to India within the stipulated period, the petitioner shall be entitled for the entire amount, as become deposited by the respondent No.3 in his favour.

5. At this stage, the learned State counsel raises objection regarding grant of the desired relief of travelling to abroad to the respondent No.3, on the ground that, investigation is still pending and she may further also be required for investigation.

6. The hearing of the instant petition is adjourned to 10.09.2024.

7. To be shown in the urgent list.

8. In the meantime, the respondent No.3 is directed to, in case she is called by the investigating officer for investigation, join the investigation and cooperate with the latter. She is also directed to, in compliance of what has been stated (supra) by her counsel, make deposit of the money.”

2. Today, the learned State counsel, on instructions imparted to him by the official concerned, submits that the respondent No.3 had joined the investigation and she is not required for further investigation. He further submits that the investigating agency is in the process of filing the Final Report *qua* the petitioner, before the learned Magistrate/trial Court concerned.

3. The learned counsel for the respondent No.3 also submits that, in deference to the directions (supra) issued by this Court, the respondent No.3 has made the following deposits in favour of the petitioner/complainant (Mr. Virender Kumar), documents whereof have been accepted and taken on record by the learned Chief Judicial Magistrate, Ludhiana:-



CRM-M-34931-2024

3

(i) *FDR of ₹ 2 crores 12 lacs*

(ii) *Demand Draft of ₹ 15 lacs*

4. The learned counsel for the respondent No.3 further submits that, in compliance of directions issued by this Court on 23.08.2024, in CRM-M-7722-2024, an application has also been made by the respondent No.3 before Registry of this Court, thereby seeking permission to withdraw the amount of ₹ 15 lacs, so that a new demand draft of an alike amount could be prepared in favour of the petitioner/ complainant (Mr. Virender Kumar) and then furnished before the learned Magistrate concerned.

5. In view of the submissions made hereinabove, when the monetary interest of the petitioner has been secured by the respondent No.3, through hers making the deposits (supra), besides making a deposit of ₹ 20 lacs prior in time before the learned Magistrate concerned in compliance of directions dated 17.07.2024, therefore, the learned counsel for the petitioner submits that he does not want to press the instant petition.

6. Consequently, the instant petition is **dismissed**, as not pressed.

7. It is clarified that the respondent No.3 is at liberty to travel abroad, but, only during the period 20.09.2024 to 10.12.2024. The respondent No.3 is directed to record her personal appearance before the learned Magistrate/trial Court concerned on 12.12.2024. Since the passport of the respondent No.3 is seized, therefore, for enabling her to travel abroad, she is also at liberty to make an appropriate application before the learned Magistrate/trial Court concerned for release thereof. In case, any such application is filed by the respondent No.3, the learned Magistrate/trial Court concerned is directed to forthwith decide it.

**CRM-M-34931-2024****4**

8. It is also clarified that, in case, the respondent No.3 visits abroad, but, fails to return within the stipulated period and fails to record her personal appearance before the learned Magistrate/trial Court concerned, the entire amount deposited by her, in the shape of FDR(s)/Demand Draft(s), shall be confiscated and payable to the petitioner/complainant (Mr. Virender Kumar) as compensation and this shall not affect the latter's right to proceed in the present FIR, in accordance with law, against the respondent No.3 and other co-accused.

9. Needless to say, if the respondent No.3 returns to India within the stipulated period and records her personal appearance before the learned Magistrate/trial Court concerned on 12.12.2024, the entire amount (supra) deposited by her, shall be returned to her.

September 17, 2024
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(KULDEEP TIWARI)
JUDGE

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