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

CRM-M-35751-2024

Date of Decision:- 12.08.2024

NIKHIL KUMAR SINGH

....Petitioner

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kamal Chaudhary, Advocate for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G. Haryana.

Mr. Aditya Jain, Advocate for respondent No.2/complainant.

AMARJOT BHATTI, J. (Oral)

1. Petitioner – Nikhil Kumar Singh has filed the instant petition under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No.540 dated 02.09.2023 under Sections 406 and 420 IPC registered at Police Station Mujesar, District Faridabad.

2. Brief facts of the case are that Satpal Singh Raghav gave his statement to the police that he is having a company Hind Swaraj Industry in the name of his wife in which they are dealing with iron and steel. He needed raw material for their company. He contacted his friend who further introduced him with Sonu. Sonu claimed that he is having a company in New Delhi and agreed to supply material at cheap rate. He and

his friend Mrityunjay Kumar were convinced with the proposal of Sonu



who disclosed that his company was having material worth Rs.35 lakhs. At the instance of Sonu, he transferred Rs.1 lakh in the account of Nikhil Kumar Singh. After few days, he was told that material must be loaded in vehicle and to transfer the balance amount, he transferred Rs.20 lakhs in the account of Sonu on 29.08.2023 and Rs.5 lakhs and Rs.9 lakhs thereafter. In this way, they transferred Rs.35 lakhs in their favour. Thereafter, they tried to contact them. Phone of Sonu was switched off and they were not traceable. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that matter has been settled with respondent No.2. Part of amount was already returned and for rest of the amount, post dated cheques have been given. He is ready to join the investigation as and when required. Therefore, his anticipatory bail may be allowed.

4. Learned counsel representing State of Haryana filed detailed status report whereas Mr. Aditya Jain, Advocate appeared on behalf of complainant/respondent No.2 and filed power of attorney, which is taken on record. He has confirmed the fact of compromise.

5. In the status report, it is further made clear that a sum of Rs.20.13 lakhs were recovered and remaining recovery is yet to be effected.

6. I have considered the arguments and have gone through the record. Matter has been compromised between petitioner and respondent No.2 – complainant. Petitioner is ready to join investigation as and when required.

7. Considering the aforesaid facts, anticipatory bail filed by



petitioner is allowed. In case petitioner is arrested, he be released on interim bail to the satisfaction of Arresting Officer/Investigating Officer subject to the condition that petitioner will join the investigation as and when required. He will not tamper with or interfere with the investigation and will not leave the country without prior permission as provided under Section 438 (2) Cr.P.C.

8. The petition is accordingly accepted.

9. My observations are made for the disposal of this petition and it will have no bearing on the merits of case.

10. Pending miscellaneous application(s), if any, stand disposed of accordingly.

12.08.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No