

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106+288

CRM M-43576 of 2023 (O&M)

Date of Decision: 30.04.2024

Mandeep Kumar

...Petitioner

Versus

State of U.T., Chandigarh

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Gursimran Singh, Advocate, for the petitioner.
Mr. Charanjit Singh Bakshi, APP for U.T., Chandigarh.
Ms. S.S. Maini, Advocate, for the complainant.

N.S.SHEKHAWAT, J. (Oral)

CRM-18745 of 2024

1. At the very outset, learned counsel for the applicant/petitioner has submitted that in the head note of the application, the amount has wrongly been mentioned as Rs. 31,81,000/-. In fact, the said amount is Rs. 31,80,000/-.
2. Learned counsel for the applicant/petitioner is directed to carry out the necessary corrections in the head note of the application in the Court itself.
3. The applicant/petitioner has filed the present application with a prayer to direct the trial Court/Area Magistrate/Duty Magistrate to release the amount of Rs. 31,80,000/- in favour of 16 persons/victims, who have been named in the application. Learned counsel for the applicant/petitioner submits that vide order dated 13.10.2023, this Court had granted the concession of *interim* bail to

the applicant/petitioner subject to depositing an amount of Rs. 31,80,000/- with the trial Court/Area Magistrate/Duty Magistrate at the time of furnishing bail bonds/surety bonds. Learned counsel submits that in compliance of the said order, the applicant/petitioner had deposited the said amount with the concerned Court. Now, the matter has been amicably resolved between the parties and a settlement deed dated 10.04.2024 has been executed between the parties. He submits that in view of the said settlement deed, the amount deposited by the applicant/petitioner may be ordered to be released in favour of the victims in the following manner:-

Serial No.	Name and Contact No.	Amount
1.	Bhupinder Singh, Mobile No. 9478621792, 7986506625	Rs. 2,00,000/-
2.	Jatinder Singh, M.No. 9855484283	Rs. 2,00,000/-
3.	Gurtej Singh M.No. 8872940216	Rs.2,00,000/-
4.	Kuljeet Singh M.No. 9815530284	Rs. 2,00,000/-
5.	Lakhwinder Singh M.No. 9463650256	Rs.2,00,000/-
6.	Govinder Singh, M.No. 9056435358	Rs.2,00,000/-
7.	Avtar Singh, M.no.7527823911	Rs. 2,00,000/-
8.	Charanjit (since died) through her LR's Jashandeep and Jasvir M.No. 8725975322	Rs.2,65,000/-
9.	Dewinder Singh, M.No. 8728037725	Rs.50,000/-
10.	Sukhchain Singh, M.No. 7526950104	Rs.2,00,000/-
11.	Jagdish M.No. 9417648177	Rs.2,00,000/-
12.	Jaswinder Singh M.No. 8427619874	Rs. 2,00,000/-
13.	Mandeep Singh, M.No. 9417370694	Rs.2,00,000/-
14.	Jeevan Singh, M.No. 7986666093	Rs. 2,65,000/-
15.	Palwinder Singh, M.No. 9707382527	Rs. 2,00,000/-
16.	Krishan Chand, M.No. 8899085344	Rs. 2,00,000/-

4. Learned counsel appearing on behalf of Union Territory of Chandigarh as well as learned counsel appearing on behalf of the complainant have no objection in case the present application is

allowed and the amount of Rs. 31,80,000/- is ordered to be disbursed to the aforesaid victims in the present case.

5. In view of the submissions made by the learned counsel for the parties, the application is allowed and the amount of Rs. 31,80,000/- is ordered to be released to the victims in the manner indicated above against proper receipt and after proper verification.

6. The application stands disposed off, accordingly.

CRM M-43576 of 2023

1. The petitioner has filed the instant petition under Section 439 Cr.PC with a prayer to grant regular bail in case FIR No. 86 dated 23.05.2022, registered under Sections 406,420,467,468,471,120-B of IPC (Section 419 IPC added later on) and under Section 24 of Immigration Act Police Station South Sector 34, District Chandigarh.

2. On 13.10.2023, the following order was passed by this Court:-

“.....During the course of hearing, learned State counsel has submitted that the petitioner and his co-accused have cheated 16 persons on the pretext of sending them abroad. He further contends that an amount of Rs.1,00,80,000/- has been transferred in the bank account of the petitioner and the co-accused.

At this stage, learned counsel for the petitioner submits that he is ready to settle the dispute with all the alleged victims/complainant in the present case and to show his bona fides, he shall deposit an amount of Rs.31,80,000/- with the Trial Court/Area Magistrate/Duty

Magistrate at the time of furnishing his bail bonds/surety bonds.

I have heard learned counsel for the parties.

The petitioner is ordered to be admitted to interim bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned subject to the following conditions:-

(i) The petitioner shall deposit an amount of Rs.31,80,000/- with the Trial Court/Area Magistrate/Duty Magistrate at the time of furnishing his bail bonds/surety bonds.

(ii) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(iii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iv) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned. (v) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(vi) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall

share the details with the concerned Court/learned Trial Court.

(vii) In case, the petitioner involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.

(viii) The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(ix) The petitioner shall report every 1st Monday of English calender month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, the petitioner violates any of the conditions mentioned above, it shall be viewed seriously and the concession of bail granted to him shall be liable to be cancelled and the prosecution shall be at liberty to move an application in this regard.”

3. After the passing of the said order, the petitioner had deposited an amount of Rs. 31,80,000/- as ordered by this Court and the case was referred to the Mediation and Conciliation Centre of this Court for settlement. The petitioner, his co-accused and the victims had joined the mediation proceedings and ultimately, a settlement agreement dated 10.04.2024 was signed by both the parties, which is part of the record in the present case. Even, during the course of hearing, learned counsel for the petitioner submits that the petitioner shall remain bound by the terms of the settlement/agreement dated

10.04.2024 signed by him before the Mediation and Conciliation Centre of this Court.

4. Even, the learned State counsel submits that the petitioner had joined the investigation in the present case and has earlier remained in custody also. Even, learned counsel appearing on behalf of the complainant submits that he has no objection in case the present petition is allowed by this Court as the petitioner had complied with the interim order dated 13.10.2023 passed by this Court.

5. In view of the submissions made by the learned counsel for the parties, interim order dated 13.10.2023 passed by this Court is made absolute.

6. The petition stands allowed in the above terms.

7. All pending applications, if any, are disposed of, accordingly.

30.04.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

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