

CRM-M-55823-2023

2024:PHHC:033037

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-55823-2023

Date of Decision : March 07, 2024

GURDEEP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

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CRM-M-57940-2023

SANJAY KUMAR

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Ms. Poonam Singh Thakur, Advocate
for the petitioner in CRM -55823-2023.

Mr. Harsh Chopra, Advocate
for the petitioner in CRM-M-57940-2023.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Both these petitions are taken up together for disposal, as the same arise out of same FIR, wherein both the petitioners seek the relief of regular bail in the FIR No.73 dated 2.6.2023 under Sections 406, 420, 467, 468, 471, 120-B IPC, registered at Police Station Anandpur Sahib, District Ropar.

2. The instant FIR was registered on a complaint made by Ram

Parkash wherein, he alleged that the present petitioners alongwith co-accused sold him a car while disclosing that the car was not registered and the present petitioners alongwith co-accused Rakesh Kumar had received ₹2,80,000/- from him and they handed over him a forged RC and insurance with forged number plate and in this way they had cheated the complainant. Petitioner-Sanjay Kumar and Rakesh Kumar in connivance with each other got forged the RC pertaining to the car bearing no.PB-65-AZ-8699 Mahindra Bolero and also prepared forged insurance papers and got affixed a fake number plate on the said vehicle. After lodging the complaint, Gurdeep Singh admitted his wrong doing and agreed to pay the whole amount back to the complainant, but he did not return the said amount.

3. On 7.12.2023, the following order was passed by a co-ordinate Bench of this Court:-

“Counsel for the petitioner submits that the dispute is over an amount of Rs.2,80,000/- and in order to show his bona fides, but without admitting the allegations levelled in the FIR, petitioner is prepared to deposit an amount of Rs.50,000/-.

Let the petitioner deposit the amount before the Area Magistrate on or before the next date.

List on 19.12.2023.”

4. In compliance to the order(supra), the petitioner-Gurdeep Singh deposited ₹50,000/- with the Ilaka Magistrate concerned and thereupon, the matter was sent to Mediation and Conciliation Centre of this Court and one of the petitioners, namely, Gurdeep Singh was granted

the relief of interim regular bail. During the Mediation proceedings, the matter was settled between petitioner-Gurdeep Singh as well as the complainant on the following terms and conditions:-

- “a) That the petitioner- first party already deposited an amount of Rs.50,000/- (Fifty Thousand) in shape of demand draft to show his bona fide and thereafter matter sent to the Mediation Centre. That the dispute amount is Rs. 2,80,000/- (Rupees Two Lakh Eighty Thousand) and petitioner is willing to pay the amount in four equal instalments of Rs. 50,000/- each and the second party is agreed the final settlement Rs.2,00,000/- (Two Lakhs). The petitioner will pay the first amount of Rs.50,000/- on or before 25.02.2024 and second instalments will pay on 25.03.2024 and third installment will pay on 25.04.2024 and fourth instalment will pay before 25.05.2024. (All installment of amounting to Rs.50,000/-each).*
- b) That it is agreed between the parties that they will withdraw all the complaints/cases if any pending before any Court of law/Authority.*
- c) That second party have no objection if the present FIR No.73 dated 02.06.2023 under Section 420,406,467,468,471,120-B of IPC at Police Station Shri Anandpur Sahib (Punjab) against the petitioner will be quashed or withdrawn by any court of law.*
- d) That both the parties have agreed that they have no objection, if the present case is disposed of by the Hon'ble High Court in view of the compromise arrived at between the parties.*
- e) This compromise has been reached between the parties in the present case only without any pressure and both the parties have very happily agreed to*

abide by the terms and conditions of the agreement. Both the parties shall be bound with the terms and conditions of this compromise. That in case the first party does not abide to the terms and conditions of the abovesaid settlement, then the second party will be at liberty to take its recourse as per law or re-open the present case.“

5. Learned counsel for the petitioner-Gurdeep Singh, submits that they will abide by the terms and conditions of the compromise and will make payment to the complainant as agreed during mediation and conciliation proceedings.

6. In view of the above statement, this Court deems it fit and appropriate to confirm the interim regular bail granted to the present petitioner, therefore, the instant petition is **allowed** and the petitioner is ordered to be released on regular bail, subject to his furnishing fresh bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

7. However, it is made clear that in case the petitioner fails to comply with the terms and conditions of the compromise, the complainant has a right to seek cancellation of relief of regular bail by making appropriate motion before this Court.

8. So far as the petitioner in CRM-M-57940-2023 is concerned, though no compromise could be materialized between him and the complainant, despite an opportunity was granted, whereas, in compliance of the order issued by this Court, the petitioner has already deposited ₹25,000/- with the Ilaqa Magistrate concerned. He further submits that

the petitioner is ready and willing to deposit further an amount of ₹25,000/- with the Ilaqa Magistrate concerned in order to show his *bona-fide*. He further submits that though he is involved in one more case, but the complicity in the present case is yet to be established.

9. In view of the above statement, this Court deems it fit and appropriate to confirm the interim regular bail granted to the present petitioner, therefore, the instant petition is **allowed** and the petitioner is ordered to be released on regular bail, subject to his furnishing fresh bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

10. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petitions only.

(KULDEEP TIWARI)
JUDGE

March 07, 2024
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No