

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-64707-2023
Date of Decision:21.02.2024

Kamal Kumar Bhumbla
Vs.
State of UT Chandigarh

.....Petitioner

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Manish Bansal, PP, U.T. Chandigarh
assisted by ASI Birender Singh.

DEEPAK GUPTA, J.(ORAL)

Relevant portion of the order dated 09.01.2024, passed by this
Court is as under:

“CRM-M-64707-2023:

*Prayer in this petition is for grant of anticipatory bail under
Section 438 Cr.P.C in case FIR No.0002 dated 01.01.2022 registered
under Sections 406, 420, 120-B of the IPC registered at Police Station
North, Sector 03, Chandigarh.*

*Learned counsel for the petitioner contends that matter has
already been compromised between the parties. Copy of the
compromise has been placed on record as Annexure P-2.*

Notice of motion.

*Mr. Manish Bansal, PP, UT Chandigarh accepts notice on
behalf of respondent.*

*Adjourned to 21.02.2024 for filing status report. Notice to
newly impleaded respondent be also issued for the date fixed.*

*In the meantime, in case of arrest, the petitioner shall be
released on interim bail subject to the satisfaction of the Arresting
Officer/Investigating Officer. However, it is directed that the
petitioner shall join the investigation as and when so required by the*

Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Learned State counsel informs that petitioner has since joined the investigation in compliance of the order dated 09.01.2024. However, learned State counsel opposed the prayer for making the order dated 09.01.2024 absolute by submitting that cheated amount in the FIR is ₹12,17,000/-, but the amount as mentioned in the compromise deed (Annexure P-2) is only ₹4,00,000/-.

Since it is the complainant who compromised the matter with the petitioner for an amount of ₹4,00,000/- as per Annexure P-2, therefore, non-recovery of entire amount or the fact that compromise has been effected for a lesser amount, cannot be a reason to decline relief of anticipatory bail or to make the order of interim anticipatory bail as absolute.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 09.01.2024 is hereby made absolute, whereby petitioner was granted interim anticipatory bail.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 21, 2024
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE