



CRM-M-43878-2024

-1-

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

CRM-M-43878-2024

Decided on: 30.01.2026

Harjinder Singh Virk

..... Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Nitin Mittoo, Advocate, for the petitioner.

Ms. Ramta Chowdhary, DAG, Punjab.

Mr. Anshul Sharma, Advocate for respondent No.2.

Rajesh Bhardwaj, J.

1. Prayer in the present second petition is for cancellation of bail granted to respondent No.2 vide order dated 14.10.2019, in a case FIR No.22, dated 06.03.2019, under Sections 420, 408, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Sadar Phagwara, District Kapurthala.

2. It has been contended by learned counsel for the petitioner that the petitioner is the author of the FIR, who lodged the FIR No.22, dated 06.03.2019. It is submitted that respondent No.2 had approached this Court praying for grant of anticipatory bail by way of filing CRM-M-30864-2019 and this Court vide impugned order dated 14.10.2019 pleased to grant him anticipatory bail. It is submitted that this Court while granting bail to respondent No.2 had taken into consideration the compromise arrived at between the parties before the Mediation and Conciliation Centre of this Court, whereby, respondent No.2 and his father agreed to pay Rs.9 lacs to the petitioner. Out of the amount agreed between the parties, Rs.6 lacs were



CRM-M-43878-2024

-2-

paid by respondent No.2 to the petitioner, however, remaining Rs.3 lacs were not paid by him. He submits that despite sufficient time having been granted by the petitioner, respondent No.2 failed to pay the remaining amount and continued to delay the matter. He submits that only on the basis of the compromise arrived at between the parties, respondent No.2 was granted anticipatory bail by this Court. He further submits that when the petitioner demanded the remaining amount as agreed, respondent No.2 not only refused to return the amount but also threatened the petitioner. He has submitted that the petitioner earlier approached this Court by way of filing CRM-M-15303-2023 for cancellation of bail of respondent No.2, however, upon notice, he appeared and assured to return the amount subject to filing of the quashing of the FIR, to which petitioner did not object. He further submits that in pursuance thereof, CRM-M-39001-2023 for quashing of the FIR on the basis of compromise was filed by respondent No.2, in which recording of statements of the parties was also directed by this Court, and in view thereof, the petitioner withdrew the petition seeking cancellation of bail of respondent No.2. However, respondent No.2 again refused to return the amount. This order vide order 11.03.2024 in CRM-M-39001-2023, directed respondent No.2 to pay the amount in two installments, however, neither he paid the amount nor he appeared before the trial Court for recording his statement. Thereafter, the petitioner withdrew the petition for quashing of the FIR. He submits that respondent No.2 violated the terms and conditions of the compromise on the basis of which, he was granted anticipatory bail by this Court. He, thus, submits that anticipatory bail granted by this Court to respondent No.2 deserves to be cancelled.



CRM-M-43878-2024

-3-

3. Notice/bailable warrants/ non-bailable warrants were issued by this Court on several dates of hearing to respondent No.2, however, he did not appear. Ultimately, vide order dated 23.01.2026, Senior Superintendent of Police, Kapurthala was directed to present before this Court to explain the position in this case and case was adjourned for today.

Today, Inspector Sonamdeep Kaur alongwith respondent No.2 Baljit Singh is present in Court.

Affidavit of Gaurav Toora, IPS, Senior Superintendent of Police, Kapurthala filed in Court is taken on record. Along with the affidavit, an application seeking exemption from the personal appearance of the Senior Superintendent of Police, Kapurthala has also been filed. The same has been perused and, for the reasons stated therein, is allowed.

4. Accused Baljit Singh who is present in Court has tendered his unconditional apology and has submitted that due to his medical condition, he could not appear before this Court. He has submitted that he has paid Rs.3 lacs to the petitioner, which has been affirmed by learned counsel for the petitioner.

5. Heard learned counsel for the parties and perused the record. The accused, Baljit Singh, is present before this Court today pursuant to the directions issued for securing his presence in this case and non-bailable warrants were issued for the very same purpose and he has tendered his unconditional apology. The accused has paid the remaining amount of Rs.3 lacs to the petitioner and substantially complying with the compromise conditions earlier relied upon by this Court. The same has been affirmed by learned counsel for the petitioner. The purpose of issuing non-bailable

warrants for securing the presence of the accused has been fulfilled, and continuation of the non-bailable warrants would serve no useful purpose. However, considering the inconvenience caused to the Court and the State machinery due to his repeated non-appearance, the accused is released subject to payment of costs of Rs.25,000/-, to be deposited with **Punjab and Haryana High Court Bar Association Welfare Fund** within a period of seven days from the date of receipt of the order. He is directed to deposit the receipt of the costs with the Registry within a period of ten days from the date of receipt of this order. Failing which the office is directed to list the present case as IOIN in the motion list for further orders.

6. Present petition stands disposed of in above-said terms.

30.01.2026

sharmila

(RAJESH BHARDWAJ)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No