

**In the High Court of Punjab and Haryana, at Chandigarh**

**Criminal Misc. No. M- 37882 of 2011**

**Date of Decision: 29.2.2012**

Abhishek Singhania

... Petitioner

Versus

State of Punjab and Another

... Respondents

**CORAM: HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA.**

Present: Mr. Jitender Singh Dadwal, Advocate  
for the petitioner.

Ms. Jaspreet Kaur, Assistant Advocate General,  
Punjab, for respondent No.1.

None for respondent No.2.

**Kanwaljit Singh Ahluwalia, J. (Oral)**

The present petition has been filed under Section 438 Cr.P.C.  
for grant of pre-arrest bail to the petitioner in case arising out of FIR No.  
194 dated 14.9.2011 registered at Police Station Basti Jodhewal,  
Ludhiana, under Section 420 IPC.

On 15.12.2011, a Co-ordinate Bench of this Court, had passed  
the following order:-

**"Crl. Misc. No. 68909 OF 2011**

*Allowed subject to all just exceptions.*

**Crl. Misc. No. M-37882 of 2011**

*Heard.*

*It has been submitted by learned counsel for the petitioner that the petitioner had no such dishonest intention at the time the goods in question, were supplied to him by the complainant and that regarding the price of the goods, a compromise was entered into between the parties and the factum of that compromise was never disclosed by the complainant at the time he got the FIR registered and that the FIR is the out come of the malice on the part of the complainant.*

*Notice of motion for 8.2.2012.*

*In the meanwhile, in the event of arrest of the petitioner in the FIR, mentioned in the petition, he is ordered to be released on bail to the satisfaction of the Arresting Officer subject to the following conditions:-*

- (i) He shall join the investigation as and when required by the Investigating Officer.*
- (ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade*

*him from disclosing the same to  
the Investigating Officer/Court;  
and*

*(iii) He shall not leave the limits of  
this country without prior  
permission of the Court.”*

Thereafter, on 27.02.2012, this Court had adjourned the matter to enable learned counsel for respondent No.1/State to verify as to whether the entire amount of cheating has been received by the complainant or not.

Learned counsel for the State, on instructions from Devinder Sharma, Assistant Sub Inspector, Police Station Basti Jodhewal, submits that the complainant has given his affidavit to the Investigating Officer to the effect that the entire amount of cheating has been received back by him and he does not intend to pursue the present FIR. Learned counsel for the State further submits that in view of the compromise arrived at between the parties, custodial interrogation of the petitioner is not called for and he is not required by the Investigating Agency.

In view of the statement made by learned counsel for respondent No.1/State, the fact that the parties have arrived at compromise and for the reasons stated in the order dated 15.12.2011, passed by the Co-ordinate Bench of this Court, the present petition is accepted. In the event of arrest of the petitioner, he shall be admitted to pre-arrest bail on his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer, till filing of the report

under Section 173 Cr.P.C. On submission of report under Section 173 Cr.P.C., the petitioner shall furnish regular bail-bonds to the satisfaction of the Court concerned. The trial Court shall be empowered to cancel bail of the petitioner in case of breach of any of the terms & conditions of the bail bonds.

**(Kanwaljit Singh Ahluwalia)**  
**Judge**

**February 29, 2012**

“DK”