

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

CRM-M-19545-2015

Date of Decision: December 9, 2015

Sunita and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

- 1. *Whether Reporters of local papers may be allowed to see the judgment ?***
- 2. *To be referred to the Reporters or not ?***
- 3. *Whether the judgment should be reported in the Digest?***

Present: Mr.Munish Gupta, Advocate
for the petitioners.

Mr.Sanjay Kumar Saini, AAG, Haryana.

Mr.Namit Khurana, Advocate
for respondent Nos.2 and 3.

NARESH KUMAR SANGHI, J.(ORAL)

Prayer in this petition, filed under Section 438, Cr.P.C.,
is for grant of anticipatory bail to the petitioners, Sunita and Vijay
Kumar, who have been booked for having committed the offences
punishable under Sections 406 and 420, IPC, arising out of FIR
No.109, dated 17.08.2014, under Sections 406 and 420, IPC,
registered at Police Station, Sadar, Jagadhri, District Yamuna

Nagar.

Learned counsel contends that the earlier petition was withdrawn since there were no instructions with regard to execution of the compromise. He further submits that now the petitioners have resolved their dispute and effected a compromise with Amrik Singh (respondent No.2/informant/aggrieved person). He further submits that the amount alleged to have been paid by Amrik Singh to the petitioners has been repaid. A sum of ₹20,000/- (Rupees twenty thousand only), which was due, has been paid today to Amrik Singh (respondent No.2/informant/aggrieved person) in the Court in the presence of his lawyer. He further submits that in view of the totality of the facts and circumstances of the case, custodial interrogation of the petitioners is not required.

Learned counsel for the State points out that the earlier petition filed for grant of anticipatory bail was dismissed on the premise that two more cases of similar nature were pending against the petitioners. He further points out that the second petition for anticipatory bail is not maintainable. However, he has not disputed the execution of the compromise by the informant with the petitioners in the present case. He further

fairly concedes that the whole amount due towards the petitioners has been paid to the informant. He further concedes, after taking instructions from ASI Lokesh Kumar, Police Station Sadar, Jagadhari, that in view of the compromise effected between the private parties, custodial interrogation of the petitioners would not be of any consequence.

Learned counsel for respondent No.2/informant/aggrieved person has also fairly stated at bar, after taking instructions from Amrik Singh, informant, who is present in Court, that he has received the whole amount due towards the petitioners and has no objection if the anticipatory bail is granted to the petitioners. He further submits that it has been agreed between the private parties that a petition, under Section 482, Cr.P.C., for quashing of the FIR on the basis of compromise, would also be presented in accordance with settled law.

After hearing the learned counsel for the parties, the present petition is accepted. Petitioners- Sunita w/o Shri Vijay Kumar and Vijay Kumar son of Tarsem Lal, both residents of Nanda Colony Farakpur, Jagadhri Workshop, Yamuna Nagar, would join the investigation as and when required to do so and abide by all the conditions laid down under Section 438, Cr.P.C.

In the event of arrest of the petitioners, they would be admitted to the bail subject to their furnishing bail bonds to the satisfaction of the Arresting Officer.

December 9, 2015
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(NARESH KUMAR SANGHI)
JUDGE