

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

(202)

CRM-M-44400-2015

Decided on: March 31, 2016.

Bijender @ Balle

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. C.S. Bakshi, Addl. A.G., Haryana.

Mr. Manish Soni, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

On the instructions of ASI Suresh Kumar, it has been informed that the petitioner has joined investigation.

On the basis of the investigation conducted till date, his involvement appears to be debatable.

Learned counsel for the complainant has intervened to oppose application for pre-arrest bail contending that the petitioner owes Rs.30 lacs to the complainant.

Learned counsel for the complainant has further argued that at one stage, the petitioner had admitted his liability to pay a sum of Rs.30 lacs to the complainant in installments but on account of petitioner having been granted interim bail and the prosecution agency having helped him, he has avoided the return of money and that it will be difficult for the complainant to recover the amount in case interim order of bail is confirmed. He has requested that the matter be sent to Mediation Centre.

I have considered the facts and circumstances of the case.

The present case appears to be a combination of civil as well as criminal liability. There appears to be no ground to send the petitioner behind bars in the circumstances of the case.

For the purpose of adjudication of application under Section 438 Cr.P.C, it will not be judicial propriety to pressurize the parties to enter into amicable settlement. However, it will be open to the complainant to approach the State or District Legal Services Authority for amicable settlement at pre-litigation stage as per provisions of Section 20 read with Section 19 (5) (ii) of the Legal Services Authority Act, 1987.

Petition is allowed. It is ordered that in the event of arrest of petitioner in the case, he shall be released on bail to the satisfaction of the arresting officer subject to all the conditions under Section 438 (2) Cr.P.C.

(M.M.S. BEDI)
JUDGE

March 31, 2016
harsha