

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

**CRM-M-2195-2019
Date of decision: 28.08.2019**

Anil Kumar Sethi and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Abhishek Sethi, Advocate
for the petitioners.

Mr. Himmat Singh, DAG, Haryana.

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

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 339 dated 30.03.2018, registered under Sections 380 and 34 of the IPC at Police Station Faridabad Central, District Faridabad.

The operative part of the order dated 01.03.2019, vide which the petitioners have been granted interim bail, is reproduced below:

“Learned counsel for the petitioners as well as learned counsel for respondents No.2 & 3 are ad idem that a lis between the same parties is pending before the Hon’ble Supreme Court.

Learned counsel for the petitioners submits that in order to show their bonafide, the petitioners are ready to deposit an amount of Rs.5.00 lacs with the Illaqa Magistrate, subject to final outcome of the case and prays that the Illaqa Magistrate be directed to keep this amount in an FDR.

Learned State counsel as well as learned counsel for

respondents No.2 & 3-complainants have no objection to the offer made on behalf of the petitioners.

Considering the fact that the parties are litigating against each other before the civil as well as criminal Courts, the petitioners are directed to deposit the aforesaid amount of Rs.5.00 lacs with the Illaqa Magistrate on or before 18.03.2019, which will be converted into an FDR, subject to final outcome of the case.

List again on 30.04.2019.”

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 01.03.2019, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the petitioners has placed on record certified copy of order dated 20.08.2019, passed by Hon'ble Supreme Court in *Special Leave to Appeal (C) Nos. 18325-18326/2018* titled as *Anil Kumar Sethi vs. Romesh Kumar Sethi and Ors.*, which reads as under:

“Heard learned counsel for the parties.

We are not inclined to interfere with the impugned judgment and order. The special leave petitions are dismissed.

After we had dictated the aforesaid order, learned counsel for the parties state that rather than to prolong the dispute further, they would like to reconcile the difference and settle the matter here itself.

A joint proposal has been made by learned counsel for the parties, on instruction from the parties who are present in Court, that the share of the petitioner in the property being 25% would stand transferred to the three respondents on payment of a sum of Rs. 70,00,000/- in full and final settlement of the claim of the petitioner.

It is further agreed that out of Rs.70,00,000/-, a sum of Rs. 40,00,000/- will be deposited in this Court

within 15 days from today and the balance 30,00,000/- will be deposited within a period of 6 months from today. On the deposit of the said amounts, the claim of the petitioner shall stand satisfied.

Since there is a hiatus period between the deposit of the first amount and the second amount, the first amount so deposited will be kept in FDR for a period of 6 months so that it can earn interest for the benefit of the petitioner.

On the deposit of the full amount of Rs. 70,00,000/-, the petitioner will hand over vacant and peaceful possession of the portion of the property in his possession to respondent No. 2, as agreed. Thereafter, it will be open to the petitioner to forthwith withdraw the amount deposited in this Court.

It is further agreed that any proceedings pending against each other will stand withdrawn. There is, however, some issue of the old documents of respondent No. 2 (for which FIR is registered) which according to the said respondent are still in the custody of the petitioner, while the petitioner states that if at all, the said documents would be lying in the portion for which keys have been handed over. This is the matter which the parties will have to resolve themselves.

Pending applications stand disposed of.”

Learned counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioners, vide order dated 01.03.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Liberty is granted to complainant/respondent Nos. 2 and 3 to revive this petition in case at any subsequent stage, the parties are found to be violating the order dated 01.03.2019.

28.08.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>