

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM-M-6297 of 2019

Date of decision:9.12.2019

Ramesh Kumar

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Tarun Dhingra, Advocate,
for the petitioner
Mr.Surender Singh, AAG, Haryana
...

AMOL RATTAN SINGH, J. (Oral)

On 5.12.2019, the following order had been passed:-

“Pursuant to the order dated 18.10.2019, another affidavit of Sh.Abhishek Jorwal, Superintendent of Police, Ambala, has been filed in Court today by learned State Counsel, a copy of which has been given to learned Counsel for the petitioner and the same is ordered to be taken on record.

The details of the other criminal cases registered against the petitioner, all alleging therein the commission of offences punishable under Sections 406 and 420 of the IPC (except in one case where the allegation is the commission of offences punishable under Sections 420, 506 and 120-B IPC of the said Court), have been given.

However, it is to be noticed that learned counsel for the petitioner had been asked to take instructions as to whether the

petitioner is also ready to pay the other two persons, who are the complainants in the FIR, failing which, the interim order would stand vacated.

That direction was given on October 18, 2019, with learned counsel for the petitioner still seeking further time to take such instructions.

Adjourned to 09.12.2019, with the petitioner to be personally present in Court for his undertaking to be recorded if he is prepared to give it, failing which the interim order shall be vacated, that already having been stated in the order dated 18.10.2019.

To be shown in the urgent motion list.”

Today, learned counsel for the petitioner submits on instructions from the petitioner (stated to be present in Court and identified by counsel), that the petitioner having settled the matter with the complainant in the present FIR, i.e. with Anil Kumar, as regards the other two persons who allegedly were also duped by the petitioner (stated to be one Binder Dass and one Balkar Singh, by learned State counsel after checking from the police file containing the complaints made by those persons to the Superintendent of Police, Ambala), they have already instituted complaints under the provisions of Section 138 of the Negotiable Instruments Act, 1881, for the dishonour of the cheques allegedly issued by the petitioner to them and as such, as regards the present case, there would be no reason to not admit the petitioner to anticipatory bail.

Learned State counsel on instructions from SI Som Parkash

does not deny that complaints under the provisions of Section 138 of the Negotiable Instruments Act, 1881, have in fact been instituted by the aforesaid Binder Dass and Balkar Singh.

That being so, with the petitioner and the complainant having in fact arrived at a settlement before the learned Mediator in the Mediation and Conciliation Centre of this Court, as per the settlement deed annexed along with the report of the learned Mediator, dated 16.5.2019, without making any comment on the rights of the aforesaid two persons, i.e. Binder Dass and Balkar Singh, qua any criminal proceedings instituted or to be instituted by them, which would be wholly looked at on their own merits, this petition is allowed, with the order dated 11.2.2019 made absolute.

9.12.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No