

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

**CRM-M No.21805 of 2017 (O&M)
Date of Decision: 23.09.2019**

Avinash Jain and others

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Pardeep Singh Poonia, Advocate for the petitioners.

Mr. Venu Gopal Jauhar, Sr. Deputy Advocate General, Punjab
for the respondent/State.

Mr. Deepak Aggarwal, Advocate for the complainant.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case bearing FIR No.61 dated 04.04.2017, under Section 420 of the Indian Penal Code, 1860 (*for short 'IPC'*), registered at Police Station Civil Lines, Bathinda.

This Court, while issuing notice of motion on 19.06.2017, passed the following order:-

“ *Heard.*

Learned counsel for the petitioners submits that dispute with the complainant pertains to a business deal and is based on documentary evidence. Learned Additional Sessions Judge, Bathinda declined anticipatory bail application of the

petitioners on the ground that petitioners are not co-operating with the police. Petitioners have already joined the investigation. ASI Jagsir Singh, investigating Officer in his statement to this effect on 06.06.2017 had not disclosed as to how the petitioners were not co-operating, particularly when the matter is based on documentary evidence.

Notice of motion for 03.08.2017.

In the meanwhile, petitioners are directed to surrender before the police and join investigation within two weeks. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them. ”

It is jointly stated by learned Counsel for the petitioners as well as complainant that the matter has been amicably settled before the Mediation & Conciliation Centre of this Court, vide settlement/agreement dated 01.12.2017.

Learned Counsel for the petitioners further submits that in terms of above order dated 19.06.2017, petitioners have joined the investigation.

Learned State Counsel, on instructions from the police official present in the Court, has acknowledged that in terms of order dated 19.06.2017, petitioners have joined the investigation and their custodial interrogation is not required.

In view of above, interim order dated 19.06.2017 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation. Further directed that petitioners as well as complainant shall be bound by their respective statements made before the Mediation & Conciliation Centre of this Court.

Disposed off accordingly.

September 23, 2019

Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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