

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

**CRM-M-2579-2018 (O&M)
Date of decision: 14.03.2019**

Jasbir Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Harshit Jain, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Aminder Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No. 02 dated 09.01.2018, registered under Sections 406 and 420 of the IPC at Police Station Sadar Dhuri, District Sangrur.

As per the version given in the FIR, which was registered at the instance of one Jamla Singh, it is stated that Nirmal Singh, Parwinder Singh, Yograj Singh, Jagsir Singh, Rajinder Singh, Jaswinder Singh, Sub Inspector Surinder Singh and Jaspal Singh have duped the complainant of Rs. 15,30,000/- on the pretext of providing a job to his son in police department and when the complainant asked for repayment of his money, the accused persons executed a false agreement to sell with the complainant by showing the house of some other person.

On 22.01.2018, while issuing notice of motion, the arrest of the petitioners was stayed and they were directed to appear before the

Investigating Officer and join the investigation. Thereafter, an affidavit of DSP, Sub Division, Dhuri, was filed in Court and complainant Jamla Singh was also summoned by the Court.

On 06.12.2018, keeping in view the submissions of learned counsel for the petitioners as well as learned counsel for the complainant that there is a chance of compromise between the parties, the case was referred to Mediation and Conciliation Centre at Sangrur with a direction to the parties to appear there on 17.12.2018.

Thereafter, on 31.01.2019, learned counsel for the complainant raised an objection that despite a direction given by this Court, the petitioners have not appeared before the Mediator at Sangrur, therefore, one last opportunity was granted to the petitioners to appear before the Mediation and Conciliation Centre of this Court on 12.02.2019.

As per report of the Mediator, petitioner No. 2 is not coming forward for the last two dates and, therefore, no amicable settlement could be arrived at between the parties.

Learned counsel for the complainant has submitted that petitioner No. 1 has settled the dispute with the complainant and has paid his part of the amount, however, petitioner No. 2 has neither come forward nor the cheque issued by him for a sum of Rs. 5,00,000/- has been honoured by the bank upon its presentation.

Learned State counsel, on instructions from ASI Bikramjit Singh, has submitted that though petitioner No. 2 has joined investigation on 28.01.2018, however, he has not joined the investigation thereafter despite the opportunities granted by the Court.

I have heard learned counsel for the parties.

Considering the aforesaid facts, without commenting upon the merits of the case, this petition is allowed qua petitioner No. 1 and order dated 22.01.2018 is made absolute qua him, subject to the conditions as provided under Section 438 (2) Cr.P.C.

So far as petitioner No. 2 is concerned, considering his conduct that he has not joined the investigation subsequently and despite making a submission before the Court that he is ready to settle the dispute, he has neither appeared before the Mediator at Sangrur nor before the Mediator of this Court and rather, a cheque issued by him for Rs. 5,00,000/- to the complainant has been dishonoured, I do not find any any ground to grant him the concession of anticipatory bail.

Therefore, this petition stands dismissed qua petitioner No. 2.

March 14, 2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No