

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49671 of 2017
Date of Decision: 24.07.2019

Mohinder Jindal and anotherPetitioners

VERSUS

State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Amanpreet Kaur Sabharwal, Advocate
for Mr. D.S. Brar, Advocate

Mr. Munish Sharma, AAG Haryana.

Mr. Pratham Sethi, Advocate
for Mr. Sanjay Jain, Advocate
for the complainant.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioners in case FIR No.883 dated 14.10.2017 registered for offences punishable under Sections 406 and 420 of Indian Penal Code, at Police Station Jind City, District Jind.

Heard.

The petitioners were allowed interim protection vide order dated 22.12.2017 with direction to join the investigation. Thereafter, they joined the investigation.

Learned counsel for petitioners submits that the matter has now been settled with all the complainants except one, namely, Nand Kishore proprietor of respondent no. 9-M/s Mitthan Lal Nitin Kumar, who did not join the mediation proceedings. The petitioners have brought the cheque of ₹2,05,000/- payable to Nand Kishore. The same has been handed over to counsel for the complainant.

Learned State counsel submits that petitioners have joined the

investigation. However, the investigating officer is not aware of the settlement arrived at between the petitioner and private respondents. The matter is still under investigation.

FIR was registered on the complaint by Ashwani Jindal and Manish Goyal about fraud of ₹1,70,00,000/- by the firm of the petitioner, who did not pay the price of paddy purchased from various persons.

In view of submission of learned counsel for the petitioners, the matter has since been settled with all the private respondents from whom paddy was purchased and her submission has not been rebutted by the investigating officer present in Court.

Keeping in view above facts, this petition is allowed and order dated 22.12.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that petitioners shall not leave India without the prior permission of the Court.
- (iv) that petitioners will seek regular bail on the presentation of challan in Court.

Passport of the petitioners be released to them. However, they will not leave the country without permission of trial Court/Chief Judicial Magistrate/duty Magistrate, Jind.

July 24, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No