

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

(211) CRM-M-57172-2018
Date of Decision: 16.05.2019

SUNIL JOSAN AND OTHERS ...Petitioners

Versus

STATE OF PUNJAB ...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vaibhav Narang, Advocate
for the petitioners.

Mr. Harsimar Singh Sitta, AAG, Punjab
assistend by SI-Jatkhoter Singh.

Mr. P.B.S Goraya, Advocate
for the complainant.

MANOJ BAJAJ, J.

Petitioners have filed the present petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in FIR No.121 dated 09.05.2018 registered under Sections 406, 420, 506 and 34 of Indian Penal Code registered at Police Station Gate Hakima, District Police Commissionerate, Amritsar.

This Court vide order dated 18.12.2018 while issuing notice of motion to the respondent-State has extended the interim protection to the petitioners. The said order reads as under:-

“ Learned counsel for the petitioners contends that there has been business dealings between the parties and the present accusation pertains to the business dealing for the year 2014. The liability is admitted, however, due to financial constraints the payments have not been made, though some of the payments have already been made to the complainant.

Notice of motion for 12.02.2019.

Meanwhile, the petitioners shall join the investigation and would come present as and when called for and in the event of arrest, the petitioners shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”.

Learned State counsel on instructions from SI-Jatkhote Singh submits that the petitioners have joined the investigation and they are not required for custodial interrogation.

On the other hand learned counsel for the complainant has not disputed this fact but opposed the bail application of the petitioners on the ground that the amount is yet to be recovered from the petitioners.

However it is not disputed that the civil suit for recovery is pending between the parties.

At this stage, Mr. Vaibhav Narang, Advocate for the petitioners apprised this Court that the accused is ready to transfer the land in favour of the complainant on account of payment to the tune of ₹12,50,000/- (Rupees twelve lakhs and fifty thousand only) to the respondent-complainant

In view of the above, the interim bail granted by this Court vide order dated 18.12.2018, is made absolute. However the parties are at liberty to explore the possibility of compromise on the basis of statement made by counsel for the petitioners.

16.05.2019

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(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No