

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

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**CRM-M-3802-2020 (O&M)
Date of Decision: 28.02.2020.**

Kamal M. Gvalani

....Petitioner.

Versus

State of Punjab

....Respondent.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Chetan Mittal, Sr. Advocate with
Mr. Rajesh Goel, Advocate and
Mr. Jatin Kumar, Advocate for the petitioner

Mr. V.G. Jauhar, Sr. Deputy Advocate General, Punjab.

Mr. R.S. Khosla, Sr. Advocate with
Mr. Sarvesh Malik, Advocate for the complainant.

Suvir Sehgal, J. (Oral)

Present petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.271 dated 31.12.2019, under Sections 420 and 120-B IPC, registered at Police Station Phase-1, SAS Nagar, Mohali.

Learned State counsel, on instructions from ASI Om Parkash, has submitted that in pursuance of order dated 29.01.2020, the petitioner has already joined the investigation and is not required for custodial interrogation.

Learned counsels for the petitioner and complainant are ad-
idem that the parties have settled the matter and have placed on record a

photocopy of the settlement terms dated 27.02.2020. They further submit that according to the terms between the parties, the complainant has agreed to sell the machinery in dispute to the petitioner and a demand draft of Rs.45,43,000/- dated 15.02.2020 has been handed over by the petitioner to the complainant for which complainant has issued a receipt. It has been further agreed that the machinery will be taken by the petitioner from the premises of the complainant within seven days from the date of settlement. Reference has been made to para 4 of the terms of the settlement, which reads as under:-

“Agreed Declared And Confirmed that the party of the second part shall consent for quashing of the said FIR. That the second party shall be bound to cooperate with the first party for quashing of the said FIR and shall make himself present before the Hon'ble Punjab and Haryana High Court whenever is required. The Second party do hereby confirm to sign all requisite documents including applications, affidavits as required by the First Party for filing of quashing petition for quashing of the said FIR before the Hon'ble High Court of Punjab and Haryana. There remains no pending matter of grievance as amongst the parties hereto and every matter hereof, stands mutually settled in an amicable manner and already resolved. Further it has been agreed between the parties hereto that both the parties shall jointly file the quashing petition before Hon'ble High Court of Punjab and Haryana and diligently pursue the same, in case, the said FIR is not cancelled by the State Authorities themselves.”

In view of the above facts, but without commenting anything on the merits of the case the interim order dated 29.01.2020 is made absolute and petition is disposed of.

(SUVIR SEHGAL)
JUDGE

28.02.2020
komal

Whether speaking/ reasoned : Yes/ No
Whether Reportable : Yes/ No