

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102

CRM-M-28289 of 2020
Date of Decision: 17.09.2020

Rahul Jain

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. P.S. Ahluwalia, Advocate,
for the petitioner.

Mr. Jatin Sehgal, Advocate,
for the complainant,

AMOL RATTAN SINGH, J. (ORAL)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

By this petition, the petitioner seeks the concession of 'anticipatory bail', upon FIR no.617, dated 13.12.2019, having been registered at Police Station DLF, Phase-III, District Gurugram, alleging therein the commission of offences punishable under Section 420 of the IPC read with Section 120-B thereof.

At the outset, Mr. Ahluwalia, learned counsel appearing for the petitioner, submits that the merits of the case apart, the petitioner being a small shopkeeper (as contended), simply wants to buy his peace and is willing to purchase the tractor back from the complainant at the same price that he sold it, or at any price that this court considers appropriate.

Notice of motion.

Learned State counsel accepts notice at the asking of the court, with Mr. Sehgal, Advocate, appearing for the complainant.

Though upon noticing the complainants' name (Sanjay Mehta), a query had been put to learned counsel for the complainant as regards his particulars, after which I was dictating that the petition be listed before another Bench, Mr. Ahluwalia submits that since the matter is sought to be compromised between the parties, the petitioner would have no objection to this Bench deciding the matter today itself, because even the petitioner does not wish to prolong the matter, he having offered to pay the complainant the price that the tractor was sold to him, adding thereto the price of the cabin that was affixed on the tractor (which was an amount of Rs.93,750/-), the sale price of the tractor being Rs.7,90,000/-.

Mr. Sehgal submits that he has taken instructions that the complainant is also willing to drop criminal proceedings by even filing a petition alongwith the petitioner, seeking quashing of the FIR, on the basis of the compromise reached between the parties and with him therefore willing to give the tractor back to the petitioner, on payment of Rs.8,83,000/-.

That being so and with learned State counsel also submitting, on instructions from ASI Sandeep, that there is no other criminal case registered against the petitioner, the petition is allowed, with the petitioner directed to join investigation within two weeks and upon him so joining, he would be admitted to bail by the arresting officer/Ilaqa Magistrate, provided he shows to the investigating officer, a demand draft of Rs.4,40,000/- in the name of the complainant. He would thereafter be admitted to bail by the arresting officer.

It is to be noticed that in view of the fact that the entire matter has been compromised between the parties, this petition is not kept pending any further and has been allowed today itself.

He shall, further, abide by all the conditions stipulated in Section 438 (2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

The remaining amount of Rs.4,43,000/- shall be paid at the time when the FIR is sought to be quashed by both the parties, by filing an appropriate petition in that regard.

The tractor shall be taken by the petitioner from the place where it is kept in Narkanda (District Shimla), as per learned counsel for the complainant, prior to appearing before the investigating officer.

September 17, 2020
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No