

CRM-M-7485-2021 &
CRM-M-7630-2021

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

(1.)

CRM-M-7485-2021.
Date of Decision:-21.09.2021.

M. Jaya Krishna

.....Petitioner

Versus

State of Punjab and another

.....Respondents

(2.)

CRM-M-7630-2021.

Maninder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rahul Srivastava, Advocate for the petitioner in
CRM-M-7485-2021.

Mr. Aman Pal, Advocate for the petitioner in
CRM-M-7630-2021.

Mr. Saurav Khurana, DAG, Punjab.

Mr. Manu K. Bhandari, Advocate for the complainant.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This common order would dispose of two petitions filed under
Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR

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No.306 dated 24.10.2020 under Sections 406, 420, 120-B IPC, registered at Police Station Sirhind, District Fatehgarh Sahib.

The first petition has been filed by M. Jaya Krishna i.e. CRM-M-7485-2021 and the second petition has been filed by Maninder Singh i.e. CRM-M-7630-2021. On 17.02.2021, a Co-ordinate Bench of this Court was pleased to pass the common order in both the petitions. The same is reproduced hereinbelow:-

“Cases taken up through video conferencing.

Learned counsel for the petitioners have contended that the dispute between the parties is basically of civil nature with regard to payment of money, which has been presented in such a manner so as to make it look like criminal offence; the disputed amount has been withheld by the concern of the accused for the reason that the complainant had defaulted on certain points and furthermore there is arbitration clause to resolve the dispute between the parties. It has been further contended that the petitioners are ready and willing to join the investigation.

After hearing learned counsel for the petitioners, I find that presence of complainant Kanav Singla son of Ramnath Singla, resident of # 10 Mahindra Complex, Patiala, Punjab before the Court is desirable for proper adjudication of the controversy. Let him be impleaded as respondent No.2 in the petitions. Registry to do the needful.

Notice of motion.

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Mr.J.S. Ghuman, DAG, Punjab, accepts notice on behalf of the respondent- State. He seeks time to file detailed reply to the petitions.

Adjourned to 6.4.2021.

Service of respondent No.2 be got effected through the police agency for the next date of hearing.

Written replies to the petitions may be filed by the State counsel by the next date of hearing.

I find it a fit case to grant interim bail to the petitioners. As such, the petitioners are directed to join the investigation by contacting the Investigating Officer within seven days from today and render all sort of co-operation. The petitioners have to surrender their passports before the Investigating Officer, if they have got ones, otherwise to furnish affidavit in that regard. If in the meanwhile, they are arrested, they be released on bail to the satisfaction of the Investigating Officer/Arresting Officer.

A photocopy of this order be placed on the connected case file.”

Learned counsel for the petitioners in both the matters have submitted that the petitioners have joined the investigation in pursuance of the above-said order.

Learned State counsel, on instructions from ASI Baljinder Singh, has submitted that both the petitioners in both the cases have joined the investigation.

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Learned counsel for the complainant has made a prayer that the present petitions be referred to Mediation and Conciliation Centre of this Court so that the matter can be finally resolved.

This Court has heard the learned counsel for the parties.

Keeping in view the above-said facts and circumstances, moreso, the fact that both the petitioners have joined the investigation and the fact that the dispute is basically of civil nature, this Court feels that both the petitions deserve to be allowed.

Accordingly, the present petitions are allowed and interim order dated 17.02.2021 passed in CRM-M-7485-2021 and CRM-M-7630-2021 is made absolute.

It will always be open to the parties to mediate and to finally resolve all the issues amicably and since three good Officers of the Court are involved in the present case, the said mediation proceedings can always be undertaken with the consent of all the parties hereto.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

A photocopy of this order be placed on the file of connected case.

(VIKAS BAHL)
JUDGE

September 21, 2021.

sandeep

Whether speaking/reasoned:-

Whether Reportable:-

Yes/No

Yes/No