

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-21426 of 2021(O&M)

Date of decision: 16.09.2021

Kamal Kishore Malhotra and another

..... Petitioners

Versus

State of Haryana

..... Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Vinod Ghai, Senior Advocate and
Mr. Aditya Jain, Advocate for the petitioners.

Mr. Gaurav Bansal, AAG, Haryana.

Ms. Puja Chopra, Advocate
for the complainant.

HARSIMRAN SINGH SETHI, J.(ORAL)

CRM-23647-2021

Application stands disposed of.

Main Case

The petitioner is seeking anticipatory bail in FIR No.218 dated 17.05.2021, registered under Sections 34, 406, 420, 467, 468, 471 IPC at Police Station DLF, District Gurugram.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 07.07.2021. Order dated 07.07.2021 is as under:-

“The complainant served and has appeared through his counsel who has filed written reply along with annexures which be taken on record.

Reply filed by the State counsel be taken on record.

Learned Senior counsel for the petitioners has contended that petitioner Kamal Kishore Malhotra has been arrested in this case on 10.6.2021. It

being so the present petition filed on his behalf for pre-arrest bail has become infructuous, therefore, petition qua Kamal Kishore Malhotra is dismissed as infructuous. With regard to petitioner No. 2 Veena Malhotra, it is stated by learned Senior counsel for the petitioners that she is an aged woman suffering from serious disease of cancer and undergoing treatment; she is ready and willing to join the investigation and render full cooperation and she be given an opportunity to do so. Keeping in view the nature of the dispute, I find that there are chances of some amicable settlement if efforts in that regard are made.

Accordingly, the matter is referred to Mediation and Conciliation Centre of this Court directing the parties to appear there on 22.7.2021 either in person or through duly authorized agent and then report therefrom be awaited for 16.9.2021. In the meanwhile, petitioner No. 2 is directed to join investigation by contacting the Investigating Officer within 7 days from today and render all sort of cooperation. The petitioner has to surrender her Passport before the Investigating Officer, if she has got one, otherwise to furnish affidavit in that regard. If, in the meanwhile, she is arrested, she be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer.”

Learned State counsel, who has also joined the proceedings through video conference, states that in terms of the order passed by Coordinate Bench of this Court reproduced before, the petitioner has joined the investigation but the petitioner has not facilitated any recovery required to be made keeping in view the allegations alleged in the FIR. Learned counsel submits that the Investigating Agency be given opportunity to call the petitioner again, if needed to elicit the complete truth in respect of the allegations mentioned in the FIR.

Learned counsel for the complainant submits that though the petitioner had projected this Court that the present dispute can be solved through mediation and conciliation but she has not cooperated and refused any reconciliation of the dispute, which shows the conduct of the petitioner.

Learned counsel for the petitioner undertakes that petitioner

will join investigation and also cooperate with the investigating agency in case she is required for the same in future as well.

In view of the above, the order dated 07.07.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. The petitioner shall also join investigation as and when called upon to do so before the submission of the challan.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

16.09.2021
D.Bansal

(HARSIMRAN SINGH SETHI)
JUDGE

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