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

CRM-M-23059-2020

Date of decision : 05.10.2021

Maninder Kaur and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Arora, Advocate for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioners in FIR No.172 dated 15.07.2020 registered under Section 420 of the Indian Penal Code, 1860 at Police Station Tanda, District Hoshiarpur.

On 18.08.2020, a Coordinate Bench of this Court was pleased to pass the following order:-

“ Learned counsel for the petitioners contends that the dispute between the complainant and the petitioners pertains to the land deal which was allegedly owned by Jarnail Singh (relative of petitioner No.1). Mr.Arora, has submitted that the alleged agreement between the parties was entered into in the year 2017 and as per complainant, a sum of Rs.10 lakhs was paid as earnest money. He submits that only a sum of Rs.6 lakhs was received by the petitioners

and at that time the owner of the land was residing abroad. Learned counsel states that the petitioners are willing to return the said amount of Rs.6 lakhs to the complainant and are ready to settle the dispute also.

Notice of motion for 24.11.2020.

Let the petitioners bring a Draft of Rs.6 lakhs in favour of the complainant on the next date of hearing.

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.”

Again, on 18.01.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“The case has been taken up for hearing through video conferencing.

Learned State counsel has submitted that the petitioners have not joined the investigation.

Learned counsel for the petitioner has submitted that the parties have compromised and the petitioners have submitted Bank drafts to the complainant and have also filed petition for quashing of the FIR today.

Case is adjourned to 02.03.2021.

In the meanwhile, the petitioners are directed to join the investigation on 25.01.2021 at 11:00 A.M. by appearing before the concerned SHO/Investigation Officer of the case.

Interim order to continue.”

Learned counsel for the petitioners has reiterated the fact that the matter has been compromised and in fact, petition under Section 482 of

Cr.P.C. for quashing of FIR on the basis of compromise has also been filed, in which the statements have already been recorded. It is also submitted that the petitioners had joined the investigation in pursuance of the abovesaid order passed by this Court.

Learned counsel for the State, on instructions from ASI Pargat Singh, has submitted that the petitioners have joined the investigation and they are not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the petitioners are relying upon the abovesaid orders passed by this Court and the fact that the petitioners have joined the investigation and not required for any further custodial interrogation and the fact that the matter has been compromised, the present petition is allowed.

Accordingly, the interim order dated 18.08.2020 is ordered to be made absolute.

However, nothing stated above shall be construed as an 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.

05.10.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No