

In virtual Court

CRM-M-32619-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-32619-2020 (O&M)
Date of decision: 01.09.2021

Tejinder Singh and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Gautam Dutt, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. S.S. Mattewal, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.0248 dated 19.09.2020 under Section 420, 448, 120-B IPC (Sections 380, 406, 467, 468, 471 IPC were added later on), registered at Police Station A Division, Amritsar.

While granting interim bail to the petitioners, following order was passed by this Court on 14.10.2020: -

“...Learned Senior counsel for the petitioners inter alia would contend that in fact there is a dispute between the family and the trading business. The petitioners had filed a civil suit restraining

the complainant from interfering in his business, in which injunction was allowed on 10.03.2020 and thereafter, a complaint was filed, on the basis of which the instant FIR has been registered. He further would contend that earlier too complaints had been filed as far back as 2018 and 2019, which complaints were duly investigated, but no action had been taken thereon.

Notice of motion.

At this stage, Ms. Monika Jalota, DAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of respondent No.1. Similarly, Mr. S.S. Mattewal, Advocate accepts notice on behalf of the complainant.

Learned counsel appearing on behalf of the complainant would submit that because of the actions taken by the petitioners herein, the complainant has suffered immense loss in his business. It is further argued that the trial court has taken into account the audit reports, which would reflect the loss that has been incurred by the complainant company on account of the decrease in sale and increase in sale of Sardar Trading Company, which is held by the petitioners herein.

Learned counsel for the respondent-State would submit that the audit report would show that there is marked increase in the sale of Sardar Trading Company and a decrease in the sale of the firm belonging to the complainant.

I have heard learned counsel for the parties.

Primarily, this is an inter se dispute between two brothers and their firms and a civil litigation is already pending between the parties. In these circumstances, this court deems it appropriate to allow the petitioners herein to join the investigation and hand over the necessary documents to the Investigating Officer. Accordingly, the petitioners are directed to join the investigation with the Investigating Officer on 29.10.2020 at 10.30 a.m. along with their CA. The petitioners will fully cooperate with the

Investigating Officer and will hand over accounts books and detail of the bank account etc. to the Investigating Officer, which will be required by him. On their doing so, in the event of their arrest, the petitioners be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

Since this is a family dispute between two brothers, the parties are directed to appear before Mr. Sapan Dhir, Advocate/Mediator on 09.11.2020 who would make an attempt to resolve the disputes amicably. Mr. Dhir, will himself decide whether he wants to take up the matter at the Mediation and Conciliation Centre of this court or at a place of his own choice, considering the Covid-19 pandemic situation. In case, Mr. Dhir, decides to take up the matter at a place of his own choice, in such a situation, he will decide the convenient time and place for the parties to appear before him...”

Learned counsel for the petitioners submits that in compliance of the aforesaid order, the petitioners have joined the investigation and are no more required for further investigation. It is further submitted that some settlement has been arrived at between the parties before the Mediation and Conciliation Centre of this Court and on the basis of same, CRM-M-35438-2021 praying for quashing of FIR, has already been filed. It is also submitted that certain terms and conditions recorded in the settlement/compromise have been settled on 23.03.2020 and both the parties are bound to adhere to the same.

Learned counsel for the petitioners further submits that a period of about 11 months has passed and there is no complaint against the petitioners

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that they have misused the concession of interim anticipatory bail.

Learned State counsel, assisted by learned counsel for the complainant and on instructions from SI Narain Singh, has not disputed the fact that some settlement is arrived at between the parties and submits that the petitioners are no more required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioners vide order dated 14.10.2020 is made absolute subject to the conditions envisaged under Section 438 (2) Cr.P.C.

**[ARVIND SINGH SANGWAN]
JUDGE**

01.09.2021
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No