

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 201 (2 cases)

Case No. : CRM-M No.29469 of 2019

Date of Decision : August 05, 2021

Chetna Mittal Petitioner

vs.

State of Punjab Respondent

Case No. : CRM-M No.30160 of 2019

Date of Decision : August 05, 2021

Ashok Mittal Petitioner

vs.

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE H. S. MADAAN

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Present : Mr. Veneet Sharma, Advocate
for the petitioner(s).

Mr. J. S. Ghumman, DAG, Punjab.

Ms. Nupur Choudhary, Advocate
for the complainant.

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H. S. MADAAN, J. (Oral) :

Case(s) taken up through video conferencing.

By this common order, I shall dispose of two petitions bearing

CRM-M No.29469 of 2019 titled **Chetna Mittal vs. State of Punjab** and

CRM-M No.30160 of 2019 titled **Ashok Mittal vs. State of Punjab** as

both these petitions arise out of the same FIR No.70 dated 17.04.2019,

SAS Nagar, District Mohali, and have the same facts.

Learned counsel for the petitioner(s) has contended that the petitioner(s) have since joined the investigation and have been admitted to interim bail. According to him, the dispute between the parties is of civil nature which is being attempted to give colour of criminal offence by lodging the FIR. As a matter of fact, it was a business dispute with petitioner(s) husband and wife on the one hand and complainant and his wife on the other side. The allegations pertain to the year 2013 and FIR has been lodged belatedly by six years. He has further contended that other litigation had also taken place between the parties and in a complaint case under Section 138 of the Negotiable Instruments Act, the complainant had been convicted by the Court on 01.02.2019. Further more, on completion of investigation, since the police has filed a cancellation report in the Court of Judicial Magistrate Ist Class, Mohali, the interim bail granted to the petitioner(s) be made absolute.

Learned State counsel, on instructions from SI Satwinder Singh, concedes the factum of the petitioner(s) having joined the investigation, further adding that since on completion of investigation, a cancellation report has been prepared and filed in the Court of Judicial Magistrate Ist Class, Mohali on 03.08.2021, notice whereof has been issued to the complainant for 22.10.2021, the petitioner(s) are not required by the police for custodial interrogation.

In view of the aforesaid circumstances, counsel for the complainant states that though the complainant is not satisfied with the

recourse to the remedy open to him in accordance with law by filing protest petition before learned Judicial Magistrate Ist Class, Mohali and otherwise.

Under the circumstances, the petitions call for acceptance. The same is allowed and the interim bail granted to the petitioner(s) vide order(s) dated 13.09.2019 is made absolute, subject to fulfillment of conditions envisaged under Section 438(2) Cr.P.C.

In case, the petitioner(s) violate any terms & conditions, on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

Accordingly, both the petitions i.e. CRM-M No.29469 of 2019 titled Chetna Mittal vs. State of Punjab and CRM-M No.30160 of 2019 titled Ashok Mittal vs. State of Punjab are allowed.

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

August 05, 2021

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**(H. S. MADAAN)
JUDGE**

<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>