

101

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

CRM-M-43908-2021

Date of decision : 02.11.2021

Karan Kangra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shvetanshu Goel, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.199 dated 31.07.2021 registered under Sections 406, 420 of the Indian Penal Code, 1860 at Police Station Division-2, Ludhiana.

Learned counsel for the petitioner has submitted that in the present case, the dispute is of civil nature and that the petitioner is a responsible person of the society and is President of many welfare societies, one of them being Maanav Adhikar Emergency Helpline and has also helped poor and underprivileged persons. It is further submitted that one complaint has been filed by the petitioner under Section 138 of Negotiable Instruments Act, 1881 before the Court of Judicial Magistrate Ist Class,

Ludhiana against the complainant and that there were monetary transaction between the petitioner and the complainant and the compromise has been effected between the parties and as per the compromise (Annexure P-3), it has been mutually decided that the cases including the present FIR would be taken back/quashed and the said compromise is without any pressure and undue influence and is in the best interest of both the parties.

Learned counsel for the petitioner has also referred to order dated 05.10.2021 passed in a petition filed under Section 482 of Cr.P.C. for quashing of present FIR on the basis of compromise in which the notice of motion had been issued and even the counsel for the complainant had appeared and the direction was given that the statements of the parties be recorded.

Notice of motion.

On advance notice, Mr. N.K. Banka, DAG, Punjab, appears and accepts notice on behalf of the State and has submitted that he is fully prepared to argue the matter and assist this Court. Although, he has opposed the present petition for grant of anticipatory bail to the petitioner, however, could not dispute the filing of the petition under Section 482 of Cr.P.C. for quashing of the present FIR on the basis of compromise.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the present dispute is a monetary dispute between the petitioner and the complainant which is stated to have been amicably settled and in pursuance of the same, the petitioner has already filed a petition under Section 482 of Cr.P.C. for quashing of the FIR on the basis of compromise and in the said case, notice of motion has already been issued and even the

learned counsel for the complainant had appeared in support of the compromise, the present petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438(2) of Cr.P.C and unless, he is not required in any other case. However, the petitioner shall join the investigation as and when called upon to do so.

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.

02.11.2021

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No