

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

220(2)

**CRM-M-39808-2020
Date of decision: 03.08.2021**

TARLOCHAN SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Naveen Siwach, Advocate for
Mr. Kulwant Singh Dhanora, Advocate
for the petitioner

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

Mr. Deepak Aggarwal, Advocate for
Mr. Abhay Gupta, Advocate
for the complainant.

ARUN KUMAR TYAGI, J. (ORAL)

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

The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.205 dated 07.11.2020 registered under Sections 420 and 406 of the Indian Penal Code, 1860 at Police Station Samrala, District Ludhiana.

Vide order dated 07.04.2021, this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and relevant part of the said order reads as under:-

“The petitioner has filed the present petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.205 dated 07.11.2020 registered under Sections 420 and 406 of the Indian Penal Code, 1860 at Police Station Samrala, District Ludhiana.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case at the instance of the complainant. The shop in question was taken on rent by father of the petitioner in 1966 and he purchased the same in the name of the petitioner for amount of Rs. 28,300/- from Jaswant Singh vide agreement to sell dated 08.04.1976. Jaswant Singh sold almost all his properties during his lifetime. He executed will in favour of his nieces and nephews and no one claimed the shop in question because they knew that Jaswant Singh had already sold the same to father of the petitioner. The petitioner has sold the same to Satpal Singh Sekhon. The case involves dispute of civil nature. The petitioner is ready to join the investigation and his custodial interrogation is not required in the case.

Reply on behalf of respondent-State and reply on behalf of complainant have already been filed.

Due to some connectivity problem submissions made by learned Counsel for the complainant could not be heard.

In the interest of justice, case is adjourned to 03.08.2021 for arguments.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the event of his arrest, the petitioner shall be released on interim anticipatory bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim anticipatory bail allowed to him.”

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Jaswinder Singh Chahal (PPS), Deputy Superintendent of Police, Samrala, Police District Khanna, District Ludhiana.

Vide order dated 05.07.2021 passed in CRM-M-22956-2021, the matter was referred to Mediation and Conciliation Centre of this Court and on mediation the parties have reached settlement dated 30.07.2021, copy of which is taken on record.

I have heard learned Counsel for the petitioner, learned State Counsel and learned counsel for the complainant and have gone

through the record.

Learned Counsel for the petitioner has, while reiterating submissions made earlier, argued that in compliance with order dated 07.04.2021, the petitioner has joined the investigation and he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel and learned counsel for the complainant have not opposed the petition in view of settlement reached between the parties.

In view of the facts and circumstances of the case, nature of accusation against the petitioner, settlement between the parties, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 07.04.2021 granting interim anticipatory bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

The parties shall be bound by the terms and conditions of the settlement reached by them during the mediation proceedings and shall take the requisite steps for payment of the amount, withdrawal of

civil suits and application under Section 340 of the Cr.P.C. and quashing of FIR in accordance with the same. In case of breach of the terms and conditions of settlement on the part of the petitioner, the complainant shall be at liberty to move this Court for cancellation of regular bail granted to the petitioner.

03.08.2021

Vishal

**(ARUN KUMAR TYAGI)
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No