

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

207

(1)

CRM-M-39783-2020 (O&M)

Date of decision: 10.02.2021

Jasbir Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

(2)

CRM-M-39813-2020 (O&M)

Vivek Chawla

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Kunal Dawar, Advocate
for the petitioner in both the cases.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

Mr. Parshant Sethi, Advocate for
Mr. Vivek Gupta, Advocate
for the complainant.

Mr. Mohit Aneja, Advocate
for the applicant-Rekha Gupta in
CRM-2140-2021 in CRM-M-39783-2020 and
CRM-2105-2021 in CRM-M-39813-2020.

ARUN KUMAR TYAGI, J. (ORAL)

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

**CRM-2140-2021 in CRM-M-39783-2020 &
CRM-2105-2021 in CRM-M-39813-2020**

The applicant has filed these applications for impleading
her as respondent No.2 in the array of parties.

The applications have been filed on the averments that the

applicant had paid amount of Rs.60,75,000/- to the petitioners for purchase of five flats and 10% share in the company in the name of the applicant and her family members. The flats were to be constructed within two years and amount of Rs.55 lakhs was also to be returned within two years. Neither flats have been given nor the amount has been given. Two other FIRs have been registered and one more complaint has been made against the petitioners. The applicant, being affected party, may be impleaded as respondent and her claim may be considered before granting anticipatory bail to the petitioners.

Notice of the applications.

Learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant have accepted notice of the applications.

I have heard learned Counsel for the applicant, learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant.

Learned Counsel for the applicant has, while reiterating factual averments made in the applications, submitted that the petitioners have also cheated the applicant and the applicant being affected party may be impleaded as respondent and her claim may be considered before granting anticipatory bail to the petitioners. Learned Counsel for the applicant has placed reliance on the observations in judgment of ***Kerala High Court in Kunhiraman Vs. State of Kerala : 2005 (18) R.C.R. (Criminal) 475.***

On the other hand, learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant have

opposed the applications and submitted that the applicant is not a necessary or proper party to the present petitions for grant of anticipatory bail and the applications may be dismissed.

Learned Counsel for the petitioners has also submitted that arrest of the petitioners has been stayed by the Allahabad High Court in separate FIR registered at the instance of the applicant and arbitration proceedings are also pending between the petitioners and the applicant regarding the dispute between them.

In the present case the applicant has filed the present applications for impleading her as respondent on the ground that the applicant is also victim of the offences committed by the petitioners who are also involved in several other FIRs but separate FIR was registered at her instance in Uttar Pradesh in which case the arrest of the petitioners has been stayed by the Allahabad High Court. The applicant is not a necessary or proper party to the present petitions for grant of anticipatory bail. Therefore, the applicant cannot be allowed to be arrayed as respondent to the same. Particularly so when the complainant in the present case has compromised the matter with the petitioners during mediation in the Mediation and Conciliation Center of this Court agreeing to take proceedings for quashing of the FIR.

Accordingly, the applications for impleading the applicant as respondent No.2 are hereby dismissed.

CRM-M-39783-2020
CRM-M-39813-2020

Petitioner-Jasbir Singh has filed **CRM-M-39783-2020**
and **petitioner-Vivek Chawla** has filed **CRM-M-39813-2020** under

Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.121 dated 24.03.2018 registered under Sections 420, 506 and 120-B of the Indian Penal Code, 1860 in Police Station Faridabad N.I.T., District Faridabad.

Vide order dated 01.12.2020, while issuing notice of motion, this Court had granted interim anticipatory bail to the petitioners with direction to join the investigation and the matter was referred to Mediation and Conciliation Centre of this Court for exploring the possibility of amicable settlement between the parties.

The Mediator has submitted the report that the parties have compromised as per terms and conditions mentioned in the compromise enclosed with his report.

I have heard learned Counsel for the petitioners, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned State Counsel has, on instructions from Investigating Officer, acknowledged that in compliance with order dated 01.12.2020 passed by this Court, the petitioners have joined the investigation and their custodial interrogation is not required in the case.

Learned State Counsel and learned Counsel for the complainant have no objection if the petitions are allowed and interim order dated 01.12.2020 is made absolute.

In view of the facts and circumstances of the case, statement of learned State Counsel that custodial interrogation of the petitioners is not necessary and compromise between the complainant

and the petitioners, I am of the considered view that the petitioners deserve grant of anticipatory bail.

In view of the above, the petitions are allowed and order dated 01.12.2020 passed in both the cases granting interim anticipatory bail to the petitioners is made absolute. However, the petitioners 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 them.

10.02.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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