

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

CRM-M No.38148 of 2019 (O&M)

Decided on: 09.11.2021

Balram Joshi and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Shubham Kaushik, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Aayush Gupta, Advocate for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No.158 dated 10.07.2019 under Sections 420, 120-B IPC, registered at Police Station Sahnewal, District Ludhiana.

The operative part of the order dated 09.09.2019, vide which interim anticipatory bail has been granted to the petitioners, is reproduced as under:-

“...Learned counsel for the petitioners submits that as per allegations in the FIR, petitioner No.1 being proprietor of M/s Anmol Traders and petitioner No.2, an employee in the said firm, are having business transactions with the complainant and Accountant of the complainant's firm one Ganesh Sharma, is in connivance with the petitioners. It is further submitted that for the period 2018, 2019, the petitioners and the complainant were dealing with each other in supplying the goods and were raising bills and payments were made to the petitioners.

Learned counsel for the petitioners further submits that the complainant, by putting the entire burden on his own Accountant Ganesh Sharma, is now trying to convert the civil liability, inter-se the parties, to criminal liability, by saying that the complainant has made a payment of

Rs.26.00 lacs on the basis of fake documents, which were prepared by aforesaid Ganesh Sharma, in connivance with the petitioners.

Notice of motion.... ”

Counsel for the petitioners has submitted that, in pursuance to the order dated 09.09.2019, the petitioners have appeared before the Investigating Officer and have joined the investigation.

As per the report of the Mediator, a settlement agreement was arrived at between the parties on 12.02.2020 and the petitioners have paid the amount of Rs.1.00 lac to the complainant.

Counsel for the State, on instructions from ASI Kulwinder Singh, has not disputed the aforesaid fact and submits that the petitioners are no more required for further investigation.

In view of the above, considering the fact that a period of 1½ years has lapsed and when the interim protection was granted to the petitioners, there is no allegation that in the intervening period, the petitioners have misused the concession of interim bail and also in view of the fact that the dispute between the parties has been settled, this petition is allowed and the interim bail granted to the petitioners vide order dated 09.09.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

09.11.2021
yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No