

**201D IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No. 40627 of 2019
Date of Decision:14.07.2021**

SURESH KUMAR MISHRAPetitioner
Vs
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr.Ravish Bansal, Advocate
for the petitioner.

Mr. Sandeep Kumar, D.A.G., Punjab.

Mr. Binderjit Singh, Advocate
for the complainant.

RAJ MOHAN SINGH, J. (Oral)

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

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.146 dated 15.08.2019 registered under Sections 420 and 120B IPC at Police Station Kotwali Bathinda, Distt. Bathinda.

On 25.09.2019, following order was passed:-

"The dispute in this case is with regard to calculation of amount due towards petitioner and payable to complainant.

Learned counsel for the petitioner submits that out of material of ₹15 lakhs supplied to the complainant, he has sold material of around ₹8 lakhs and returned the material worth ₹7 lakhs. For that returned material of ₹7 lakhs, an amount of ₹3 lakh has been deposited

in the account of complainant through RTGS and an amount of ₹4,29,286.60p is due which the petitioner is ready to deposit subject to the order that may be passed by the Court regarding its payment.

Notice of motion.

Mr. Binderjit Singh, Advocate has put in appearance on behalf of complainant, filed power of attorney and submits that in fact, amount due is not ₹4,30,000/- rather it is around ₹12 to ₹13 lakhs.

Keeping in view the above facts and to explore the chances of amicable settlement, parties are directed to appear before Mediation and Conciliation Centre of this Court on 30.09.2019 at 10.00 a.m. The mediator will explore the chances of amicable settlement and send his report on or before the next date of hearing.

List on 05.11.2019.

To facilitate the parleys between the parties, petitioner is allowed interim bail in following terms:-

(i) He will surrender before the police and join investigation within ten days from today.

(ii) In the event of his arrest being required, he shall be released on interim bail till the next date, subject to his furnishing bonds to the satisfaction of Arresting Officer.

(iii) He will produce all his relevant account books as required by the mediator and co-operate in the mediation proceedings.

(iv) He will deposit a draft of ₹4,30,000/- in the name of complainant before the Registrar (Judicial) within three weeks from today.

(v) On deposit of that draft, same will be given to the complainant on furnishing undertaking to return the amount with interest, if so ordered by this Court or any of the Court dealing with this case, at any stage.

(vi) He shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which he shall lose the benefit of interim bail allowed to him.”

(SURINDER GUPTA)

September 25, 2019

JUDGE

Sachin M.

Learned counsel for the petitioner has complied with the order dated 25.09.2019, by depositing draft of Rs.4,30,000/- in the name of complainant before the Registrar within the time prescribed.

Learned counsel for the complainant admits that a draft has been received by the complainant on furnishing undertaking to return the amount with interest if so ordered by this Court at any stage.

Learned State counsel on instructions from SI Gurmukh Singh admitted the aforesaid fact and submitted that the petitioner is no more required for further investigation of the case.

In view of aforesaid factual position, the interim order dated 25.09.2019 is made absolute. Petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

14.07.2021

Amandeep

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No