

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

**CRM-M-42924-2019
Date of decision: 03.12.2021**

Mahavir

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Amit Goyal, Advocate
for the complainant.

(Through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 549 dated 28.08.2019, registered under Section 420 of the IPC at Police Station City Sirsa, District Sirsa.

The order dated 23.10.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner has stated at bar that an amount of Rs. 1 lac shall be refunded to the complainant within a period of one week from today. Further states that there are instructions that matter can be settled amicably between the parties.

Learned counsel for the complainant is not averse to the proposal put forth by learned counsel for the petitioner.

In view of the above, petitioner is directed to deposit Rs. 1 lac in the account of the complainant within the aforesaid period and after doing the needful, petitioner is directed to join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail till the next date of

hearing on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) Cr.P.C.

Both the parties are relegated to the Mediation and Conciliation Centre, Sirsa for 31.10.2019 to explore the possibility of settlement.

For awaiting the report, adjourned to 21.11.2019.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 23.10.2019, has already appeared before the SHO/Investigating Officer and has joined the investigation. It is further submitted that the petitioner has already deposited Rs. 1 Lakh with the complainant, however, the mediation proceedings have failed.

Learned counsel for the State, on instructions from ASI Vishal, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation, however, learned counsel for the complainant submitted that the original RC has not been returned by the petitioner.

After hearing learned counsel for the parties, considering the fact that interim anticipatory bail was granted on 23.10.2019 and since then, a period of more than two years has lapsed and there is no allegation that the petitioner has ever misused the same, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 23.10.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

03.12.2021

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No