

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

207

CRM-M-6913-2020 (O&M)

Date of Decision: 02.02.2022

Sunil Sethi

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. G.S.Bawa, Advocate, for the petitioner.

Mr. Rehat Bir Singh Mann, DAG, Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.167 dated 22.11.2017 at Police Station Division-C, District Police Commissionerate Amritsar, under Section 420 IPC.
2. On 19.02.2020, this Court passed the following order:

“Learned counsel for the petitioner submits that even if the allegations as levelled in the FIR are taken to be correct, the same, at best would constitute a civil liability inasmuch as the petitioner after having accepted an earnest amount of Rs.2 lakhs for sale of his shop is alleged to have sold it to somebody else. Learned counsel has further submitted that in fact at one stage a compromise had also been effected amongst the parties but subsequently the complainant did not come forward for quashing of the FIR as had been agreed amongst the parties. Learned counsel in this regard has drawn the attention of this Court to the affidavit (Annexure P-2) of the complainant.

The matter is adjourned to 14.5.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

The petitioner is directed to implead the complainant as party in the present petition within one week from today. Upon the needful being done, notice be issued to the complainant.

The petitioner and complainant are directed to appear before the Mediation and Conciliation Centre, Punjab and Haryana High Court, Chandigarh on 26.3.2020. The petitioner shall pay an amount of Rs.15,000/- to the complainant towards travelling, miscellaneous, litigation expenses, upon his appearance before the Mediator.”

3. Today, learned counsel appearing on behalf of the petitioner has submitted that the matter in hand is basically in the nature of civil dispute. He has further submitted that although respondent No.2 was earlier served through his mother and subsequently, the petitioner also contacted him, but respondent No.2 has not chosen to appear before this Court.
4. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not involved in any other case.
5. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim

directions issued by this Court vide order dated 19.02.2020 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

02.02.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**