

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

Sr. No.102

CRM-M-31988-2021

Date of decision: 19.01.2022

Robin Mehta and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Arpandeeep Narula, Advocate
for the petitioners.

Ms. Gunkirat Kaur, AAG, Punjab.

Mr. Keshav Pratap Singh, Advocate
for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.0349 dated 11.06.2021 registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Zirakpur, District SAS Nagar Mohali.

On October 13, 2021, this Court had passed the following order:-

“Case heard via video conferencing.

By this petition, the petitioners seek the concession of 'pre-arrest bail', upon FIR No. 0349 having been registered at Police Station Zirakpur, District SAS Nagar, on 11.06.2021, alleging therein the commission of offences punishable under the provisions of Sections 420/467/468/471/120-B of the IPC.

Though an affidavit has been filed by the Senior Superintendent of Police SAS Nagar (Mohali), dated 06.09.2021, Mr. Keshav Partap

Singh, Advocate, appears for the complainant in the FIR and submits that the dispute being between brothers, it has been amicably settled between them and therefore the complainant also has no objection to the petition being allowed.

A copy of the compromise deed be placed on record by learned counsel for the parties before the next date of hearing.

Adjourned to 12.11.2021.

The petitioner and the complainant in the FIR would, in the meanwhile, appear before the learned Area Magistrate concerned upto 25.10.2021 to record their statements in terms of any compromise reached, with that court to send its report to this court before the next date of hearing in respect of any such statements recorded and the opinion of that court as to whether the compromise has been arrived at of the free will of the parties or not.

In the meanwhile, till the next date of hearing before this court, the arrest of the petitioners shall remain stayed.

The affidavit filed by the SSP is ordered to be taken on record. ”

As per the afore-quoted order, the petitioners and the complainant, who are the real brothers, had compromised the matter which was the subject matter of the aforesaid FIR. Therefore, this Court had directed both the parties to record their statements before the concerned Magistrate so that the genuineness of the said compromise could be verified. In the meanwhile, the petitioners arrest was stayed.

A report dated 06.12.2021 from the Civil Judge (Junior Division), Derabassi, has been received by this Court as per which the petitioners as also the complainant have got their statements recorded with regard to the matter between them having been compromised.

In view of the above development as also because the FIR pertains to the allegations of fraud between real brothers, the petitioners are directed to be admitted to anticipatory bail. However, the same shall be subject to the petitioners' joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438(2) Cr.P.C.

The petition is allowed in the above terms.

January 19, 2022
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(DEEPAK SIBAL)
JUDGE

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