

206-A

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29713-2020 (O&M)
Date of Decision:24.03.2022

Rajinder Kumar

.. Petitioner

Vs.

State of Punjab and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Chanakya Batra, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab

Mr. Achin Gupta, Advocate
for the complainant.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.100 dated 26.04.2019 registered under Sections 420, 406, 379-B, 341, 148, 149 and 120-B IPC at Police Station City Faridkot, District Faridkot, who apprehends his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 28.09.2020 and submitted that the parties were having business dispute and at one stage, the parties had settled the dispute by way of compromise. The said order is read as under:

“Briefly, FIR bearing No. 100 dated 26.04.2019 under Sections 420, 406, 379-B, 341, 148, 149, 120-B IPC, Police Station City Faridkot, District Faridkot has been registered on the basis of the statement of Anand Pal Singh-complainant alleging that he had invested money in getting the gas agency with Shallu Bala who had applied for the same in the category of Scheduled Caste. Subsequently, a dispute

had arisen between the parties. Rajinder Kumar and Shallu Bala are intending to shift the store and the showroom elsewhere to the detrimental of the interest of the complainant.

It has been further alleged that on 25.4.2019 at about 8:30/9:00 P.M., the complainant had sent his Manager Nishan Singh along with Manpreet Singh on a scooter to bring gas cylinder. They were carrying a sum of Rs.2,50,000/- from gas agency's earning and about Rs.25,000/- - Rs.30,000/- pertaining to the showroom along with keys of the truck. Rajinder Kumar, Beant Singh Gill and Prem Singh along with 2-3 unknown persons arrived in a Duster vehicle and snatched the bag of money and documents.

Notice of motion.

Ms. Bhavna Gupta, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. Advance copy of the paper-book has already been supplied.

It has been pointed out by learned counsel for the petitioner that the matter in dispute has been amicably settled between the parties. A compromise has been effected with the complainant and a petition bearing CRM-M-54604-2019 has been instituted for quashing of the FIR. Directions have been issued to the parties to appear before the trial Court/Illaq Magistrate and get the statements recorded. It has further been stated that the said matter is now fixed for 8.10.2020. The co-accused, namely, Shallu Bala and Prem Singh have been granted interim bail by this Court.

Adjourned to 8.10.2020.

To be heard along with CRM-M-54604-2019.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he/she join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C. ”

He submits that pursuant to the above directions, the petitioner has joined the investigation, however, the petition filed for quashing of FIR on the basis of compromise was withdrawn, as the compromise did not materialise for some reasons.

Learned State counsel assisted by ASI Gurdit Singh, states that

custodial interrogation for the time being.

Learned counsel for the complainant has argued that it is the accused person, who has not fulfilled the terms and conditions of the compromise, however, it is not disputed that the other litigation between the parties is also pending.

Considering the above background, the petition is allowed and the interim bail granted by this Court vide order dated 28.09.2020 is made absolute.

24.03.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No