

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-43663-2021 (O & M)
Date of decision:18.08.2022

Jagtar Singh and anr.

..... Petitioners

V/s

State of Punjab and anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Vaibhav Sehgal, Advocate, for the petitioners.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. G.S. Madaan, Advocate, for respondent No.2.

JASJIT SINGH BEDI, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioners in a case registered against them vide FIR No.41 dated 18.09.2021 under Sections 406, 420, 120-B IPC registered with Police Station NRI, District Ludhiana.

On 14.10.2021, the following order was passed:-

“Case heard via video conferencing.

By this petition, the petitioners seek the concession of 'pre-arrest bail' upon FIR No. 41 having been registered at Police Station NRI, District Ludhiana, on 18.09.2021, alleging therein the commission of offences punishable under the provisions of Section 406/420/120-B of the IPC.

Though otherwise on the merits of the petition I would see no reason to admit the petitioners to interim bail in view of the allegations made, (with learned counsel for the petitioner

wanting this court to believe that the allegations made against the petitioners in the FIR are not substantiated by way of any actual money transaction proved, but still wanting this court to believe that there were financial dealings between the petitioners and the wife of petitioner no. 1, with the complainant, though that again is not by way of any documentary proof); yet, since the dispute is between two close relatives (first cousins), upon query to learned counsel appearing for the complainant (even before notice of motion has been issued), he submits that the complainant would have no objection to try and settle the matter by way of mediation, if the petitioners are genuine about such settlement.

In view of the above, notice of motion is issued.

On the asking of the court, Mr. Amit Mehta, Sr. D.A.G., Punjab, accepts notice on behalf of the respondent-State. The complainant is ordered to be impleaded as respondent no. 2 in the petition, with the Registry directed to carry out necessary corrections in the memo of parties after taking her particulars from the copy of the FIR.

Mr. Gursimran Singh Madan, Advocate, accepts notice on behalf of the newly added respondent no. 2.

A copy of the petition be emailed to both learned counsel by counsel for the petitioners today itself.

Mr. Madan submits that respondent no. 2 would be represented by an attorney or would join mediation proceedings through video conferencing.

*Consequently, the petitioners and respondent no. 2 would appear before the learned Mediator of the Mediation and Conciliation Centre of this court on **28.10.2021** at 12:30 noon, with the learned Mediator to send her/his report to this court before the next date of hearing to this court.*

Adjourned to 18.11.2021.

In the meanwhile, till the next date of hearing only and specifically, the petitioners be not arrested”.

Initially, only the arrest of the petitioners was stayed. Thereafter, the petitioners joined the investigation from time to time.

The learned counsel for the State today on instructions from SI Raj Kumar submits that a cancellation report has been submitted in the Trial Court on 14.05.2022.

In view of the submission of the cancellation report, nothing survives in the present petition, therefore, the same is hereby disposed of as infructuous. However, in case, the cancellation report is not accepted or the arrest of the petitioners is sought, they shall be given one week’s prior/advance notice before seeking their arrest to enable them to avail their remedies in accordance with law.

(JASJIT SINGH BEDI)
JUDGE

August 18, 2022
sukhpreet

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