

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39993-2022

Date of decision : 05.09.2022

Darshan Singh

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Ishnoor Singh, Advocate for
Mr. Vikram Singh, Advocate
for the petitioner.

Mr.Munish Sharma, AAG, Haryana.

Mr. Sandeep Siwach, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.453 dated 11.11.2021 registered under Sections 406, 420-B IPC (Sections 379-A, 34 IPC added later on) at Police Station Madhuban, District Karnal.

Learned counsel for the petitioner has submitted that there were business dealings between the petitioner and the complainant and when the dispute arose, the complainant, who is a retired police officer, has gotten the present FIR registered. It is further submitted that the matter has been compromised and has relied upon the compromise dated 30.08.2022, as per which, the complainant has specifically stated that all the accounts have been settled and nothing is due towards him and he is ready to give a

he has no objection in case the present FIR is cancelled. It is also submitted that the parties are in the process of filing a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise.

Learned State counsel, on the other hand, has opposed the present petition for anticipatory bail and has submitted that a perusal of the FIR would show that the allegations have been levelled by the complainant against the petitioner with respect to the fact that petitioner had duped the complainant of an amount of Rs.35 lacs and thus, does not deserve the concession of anticipatory bail.

Learned counsel for the complainant has also put in an appearance and has submitted that the matter has been compromised and has stated that the compromise dated 30.08.2022 is a genuine document and has been entered into without any coercion and/or undue influence. It is stated that the parties are in the process of filing a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise and has no objection in case the present petition is allowed.

This Court has heard learned counsel for the parties and has perused the paper book.

It is the common case of the petitioner and the complainant that there were business dealings between the parties and the matter has been compromised vide compromise dated 30.08.2022 as per which, it has been specifically stated that all the accounts have been settled between the two parties and the complainant has no objection if the FIR is cancelled. The parties are in the process of filing a petition under Section 482 Cr.P.C. for quashing of the FIR on the basis of compromise. The entire case is based on documentary evidence and thus, the custodial interrogation of the petitioner

is not required.

Keeping in view the above said facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is ordered to be released on bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of Cr.P.C.

It is made clear, in case, the petitioner fails to join the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

September 05, 2022
Davinder Kumar

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