

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

CRM-M-41165-2020 (O&M)

Date of decision: 05.07.2022

Gaurav Bhatia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Mehndiratta, Advocate
for the petitioner.

Mr. Deepak Kumar Grewal, DAG, Haryana.

Mr. Deepinder Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.761 dated 24.11.2020 registered under Section 408 of the Indian Penal Code, 1860 at Police Station City Yamuna Nagar, District Yamuna Nagar.

The operative part of the order dated 21.12.2020, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the FIR got registered on the basis of false and concocted version. The petitioner used to do the work of liaisoning between the producers of wood and manufacturers/traders of plywood and wood. The petitioner was earlier helping the complainant in entering into transactions with the producers/suppliers of the wood. On account of certain differences, the petitioner stopped helping the complainant. Financial dispute has arisen between the petitioner and the complainant. The conversation between

the parties pertained to an earlier transaction. A purely civil dispute has been given a colour of criminality. The petitioner is ready for mediation of dispute and to pay the amount due. The petitioner is also ready to join the investigation. His custodial interrogation is not required in the case.

On the other hand, learned State Counsel has submitted that in view of nature of accusation and gravity of offence, the petitioner does not deserve grant of anticipatory bail.

Learned Counsel for the complainant has submitted that the petitioner collected amount of Rs.10,84,000/- and misappropriated the same. To show his bona fide for settling the dispute the petitioner may be asked to deposit some amount and subject to such deposit the complainant has no objection to reference of the matter to mediation.

In view of the facts and circumstances of the case, I consider it appropriate that the matter be referred to Mediation and Conciliation Center of this Court for exploring the possibility of amicable settlement between the parties.

Accordingly, the parties are directed to appear in the Mediation and Conciliation Center of this Court on 07.01.2021 for mediation in person or through video conferencing as may be considered appropriate and notified to them by the concerned officer incharge of the Mediation and Conciliation Center/concerned Mediator as the case may be.

Case is adjourned to 22.02.2021 for awaiting the report from the Mediation and Conciliation Center of this Court.

In the meanwhile, the petitioner is directed to join the investigation as and when called upon to do so. In the

event of his arrest, the petitioner shall be released on interim bail by the arresting officer/investigating officer on furnishing of bail bonds by him to the satisfaction of the arresting officer/investigating officer. The petitioner shall comply with the conditions enumerated under Section 438(2) of the Cr.P.C. failing which he shall not be entitled to the protection of interim bail allowed to him.

The grant of anticipatory bail shall also be subject to payment of Rs.1,00,000/- within 15 days and Rs.1,00,000/- within 45 days by the petitioner by way of bank draft to the complainant as agreed to at the time of hearing today.”

Learned counsel for the petitioner submits that in terms of aforesaid order, the petitioner has paid a total of Rs. 3 Lakh in three installments to the complainant, subject to final outcome of the case.

Learned counsel for the petitioner further submits that the petitioner, in the intervening period, has not misused the concession of interim bail and has appeared before the Investigating Officer, as and when required.

The aforesaid fact is not disputed by learned State counsel, on instructions from the Investigating Officer, assisted by learned counsel for the complainant.

Learned counsel for the complainant, however, submits that the total amount due is more than Rs. 10 Lakh, which is disputed by learned counsel for the petitioner.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that the petitioner was granted interim bail on 21.12.2020 and since then, a period of more than one and a half year has lapsed, however, there is no allegation

that he has ever misused the same and also in view of the fact that in compliance to the aforesaid order, he has also paid Rs. 3 Lakh to the complainant, subject to final outcome of the case, the present petition is allowed and the interim bail granted to the petitioner, vide order dated 21.12.2020, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

05.07.2022

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No