

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-54049-2021

Date of decision : 19.09.2022

Himani Bhandari and another

... Petitioners

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr. Rahul Makkar, Advocate
for the petitioners.

Mr.Tarun Aggarwal, Sr.DAG, Punjab.

Mr.Abhishek Arora, Advocate
for respondent no.2.

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.0046 dated 13.02.2020 registered under Sections 420, 406, 467, 468, 471, 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Sadar Amritsar.

On 10.01.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Counsel for the petitioners prays for grant of anticipatory bail by contending that in fact the matter already stands compromised between the parties and an amount of Rs.15,65,000/- has already been paid to the complainant, however, despite the substantial amount have been paid, the complainant is still pressing for pursuing the FIR.

Notice of motion.

Mr. Balbir Singh Sewak, Addl. A.G., Punjab, who is present

through the medium of video conferencing, accepts notice on behalf of the respondent-State and would submit that the compromise as relied upon is undated and was not produced before the Additional Sessions Judge, Amritsar when the bail was sought.

The petitioners herein are directed to appear before the Investigating Officer and prove that the substantial payment as stated has already been received by the complainant.

Adjourned to 28.02.2022.

Till the next date of hearing, arrest of the petitioner shall remain stayed.

(JAISHREE THAKUR)
JUDGE

January 10, 2022”

Learned counsel for the petitioners as well as the complainant-respondent no.2 have jointly submitted that the matter has been compromised and the entire dispute has been settled and the parties have filed a petition i.e., CRM-M-14411-2022 under Section 482 Cr.P.C. for quashing of the FIR in question on the basis of compromise and both the parties are ready to give statements in respect of the compromise and have jointly submitted that the present petition be allowed and the interim order passed in favour of the present petitioners be made absolute.

Learned State counsel, on instructions from ASI Kuldeep, has submitted that the factum with respect to compromise has been brought to the notice of the Investigating Officer.

Keeping in view the above said facts and circumstances moreso, the fact that the matter has been compromised between the parties, the present petition is allowed and in the event of arrest, the petitioners are ordered to be released on bail subject to their furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. The

petitioners 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 petitioners fail 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 petitioners.

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 19, 2022
Davinder Kumar

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