

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+205

CRM-M-54182-2021 (O&M)

Decided on : 27.04.2022

Joginder Pal

. . . Petitioner

Versus

State of Haryana and others

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Manoj Kumar Pundir, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

Mr. Amandeep Vashisth, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

CRM-9506-2022

Allowed as prayed for.

Annexures R-1 to R-9 are placed on record subject to all just
exceptions.

Main Case

The present petition has been filed under Section 438
Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.
768 dated 17.09.2021 under Sections 406, 420 and 506 of the Indian
Penal Code, 1860 registered at Police Station City Yamuna Nagar,
District Yamuna Nagar.

On 23.12.2021, this Court was pleased to pass the following order:

“Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR No. 768 dated 17.09.2021, under Sections 406, 420 and 506 of the Indian Penal Code, 1860, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

Learned counsel for the petitioner contends that it is alleged that an amount of ₹6,66,000/- had been taken by the petitioner from the complainant for providing job to the complainant and his family members. He, however, contends that the FIR is the outcome of a monetary dispute and a sum of ₹1,52,000/- was transferred in the account of the petitioner and his daughter on ten different dates. The petitioner is ready and willing to settle the matter through mediation and would return the money which had been deposited in his account and in the accounts of his family members. The petitioner is not involved in any other criminal case. He also prays for time to implead the complainant as respondent.

Issue notice to the respondent.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondent-State and prays for time to seek instructions.

The petitioner and the complainant shall appear before the Mediation and Conciliation Centre of this Court on 05.01.2021 at 10:00 a.m. The petitioner shall either deposit a sum of ₹15,000/- as interim expenses in the account of the complainant or bring a demand draft in his name for the same amount which shall be handed over to the complainant at the commencement of the mediation.

List on 12.01.2022.

The arrest of the petitioner shall remain stayed till the next date of hearing.

23.12.2021 Sd/-
(ANUPINDER SINGH GREWAL)
JUDGE”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has got the Demand Draft of Rs.1,52,000/- and has handed over the same to the counsel for the complainant without prejudice to his rights and without admitting his liability. Copy of the said Demand Draft is taken on record as Mark-A. He has further submitted that he has paid the litigation expenses as ordered by this Court vide order dated 23.12.2021.

Learned counsel for the complainant has submitted that in the present case, the amount due from the petitioner is more than Rs.1,52,000/- and the excess amount was paid in cash. He has further submitted that he has received the Demand Draft of Rs.1,52,000/- and he would hand over the same to the complainant.

Learned State counsel has submitted that in the present case, there was no order to join the investigation, although, the arrest of the petitioner has been stayed.

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

In pursuance of the order dated 23.12.2021, the petitioner has submitted that the Demand Draft of an amount of Rs.1,52,000/- in the name of the complainant which has been given to the counsel for the complainant for being handed over to the complainant. The question as to whether the amount due in the present case is more than Rs.1,52,000/- or not is a matter of trial and the fact as to whether the offence as alleged is made out or not is also a matter of trial. The

dispute in the present case is based on documentary evidence.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 23.12.2021, the present petition is allowed and the interim order dated 23.12.2021 is ordered to be made absolute.

However, 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 application.

(VIKAS BAHL)
JUDGE

27.04.2022
Mehak

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