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

CRM-M-7-2022

Date of Decision: 07.02.2022

Kamal Kishore Taneja

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rahi Mehra, Advocate for the petitioner.

Mr. Arun Kumar Kaundal, DAG, Punjab.

Mr. Umesh Aggarwal, Advocate, for the complainant.

Through Video Conferencing

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for the grant of anticipatory bail to the petitioner in FIR No.331 dated 14.12.2021, under Section 420 of Indian Penal Code, 1860 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, registered at Police Station Civil Lines, Amritsar.

While issuing notice to the respondents on 05.01.2022 this Court had directed the parties to appear before the Mediation and Conciliation Centre on 19.01.2022 for exploring the possibility of an amicable settlement on the basis of the statement made by the learned counsel for the parties that they are willing to settle the matter through

mediation. Thereafter, the matter was sent to the Mediation Centre and a report has been sent by the Mediator from the Mediation and Conciliation Centre of Punjab and Haryana High Court, Chandigarh dated 04.02.2022 alongwith the settlement/agreement between the parties by stating that the matter has been amicably settled between the parties.

Mr. Arun Kumar Kaundal, learned DAG, Punjab has stated that it was a financial dispute between the petitioner and the complainant and the same has been settled through the mediation process and in view of the above, the custodial interrogation of the petitioner is not required. He has however submitted that the petitioner may be directed to join the investigation as and when called by the Investigating Officer.

Mr. Umesh Aggarwal, Advocate has also caused appearance on behalf of the complainant and has stated that it is correct that an amicable settlement has been reached between the parties through the mediation process. He has however stated that the matter may be adjourned for another date in view of the fact that the petitioner should pay something to the complainant to show his *bona fide* so that the settlement/agreement gets implemented.

I have heard the learned counsel for the parties.

The present petition has been filed seeking anticipatory bail and the learned State counsel has taken up a stand that since it was a financial dispute between the parties and they have amicably settled the same and, therefore, custodial interrogation of the petitioner is not required. The argument raised by the learned counsel for the complainant that the

matter be adjourned in order to get the settlement/agreement implemented is unsustainable in view of the fact that the present petition pertains to consideration for grant of anticipatory bail and these are not the execution proceedings.

In view of the aforesaid factual position, the present petition is allowed. The petitioner is directed to join the investigation as and when called by the Investigating Officer and to cooperate with the investigation process and shall also comply with the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. In the event of his arrest, he shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

07.02.2022

rakesh

**(JASGURPREET SINGH PURI)
JUDGE**

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