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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3349-2023
Date of Decision: 03.05.2023

Amrit Lal Bajaj

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. R.S. Mamli, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G., Haryana.

Mr. Gaurav Gaur, Advocate for
Mr. Puneet Pali, Advocate
for the complainant.

HARSH BUNGER, J. (Oral)

Prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.563, dated 23.11.2022, registered under Sections 406, 420 and 506 of the Indian Penal Code, 1860, at Police Station Mahesh Nagar, District Ambala, Haryana.

2. On 22.02.2023 the following order was passed by this Court :-

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This is an application seeking exemption from filing certified copies of the uncertified annexures appended in support of the averments made in the petition.

Criminal Misc. Application is allowed as prayed for.

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Prayer in the present petition, filed under Section 438 of the Code of Criminal Procedure, is for grant of anticipatory bail to the petitioner in case FIR No.563 dated 23.11.2022 registered under Sections 406, 420 and 506 of Indian Penal Code, registered at Police Station Mahesh Nagar, District Ambala, Haryana.

Pursuant to the amicable settlement arrived at between the parties as recorded in the order dated 31.01.2023, learned counsel for the petitioner has brought a Manager's cheque bearing No.003544 dated 09.02.2023, amounting to Rs.3,00,000/- in the name of the complainant-Ashwani Kumar, drawn on HDFC Bank. Along with the abovesaid Manager's cheque, learned counsel for the petitioner has also brought two post dated cheques bearing No.000021 dated 31.03.2023, amounting to Rs.3,00,000/- and bearing No.000020 dated 30.04.2023, amounting to Rs.3,00,000/- ; both in the name of the complainant-Ashwani Kumar, drawn on HDFC Bank. All the three cheques i.e. one Manager's cheque as well as two post dated cheques have been handed over to the complainant-Ashwani Kumar, who is present in the Court today and has been duly identified by his counsel. Photocopy of the abovementioned Manager's cheque and post dated cheques are supplied in Court today and the same are taken on record, subject to all just exceptions. The aforesaid Manager's cheque and post dated cheques have been accepted by the complainant-Ashwani Kumar and he submits that upon encashment of the said Manager's cheque and post dated cheques, no further amount shall be due from the petitioner and there shall be no dispute pending between the parties regarding the instant case/FIR. The complainant-Ashwani Kumar further submits that he or anyone from his family members shall not initiate any

action/legal proceedings relating to the allegation/transaction as mentioned in the FIR. It is also submitted by complainant-Ashwani Kumar that upon receipt of the entire payment of Rs.9,00,000/-, he shall also render his full assistance in the quashing of the aforesaid FIR.

In view of the fact that the parties have entered into an amicable settlement, this Court is inclined to grant interim bail to the petitioner.

List on 03.05.2023.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the Investigating/ Arresting Officer. However, he shall join the investigation as and when directed by the Investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

3. Learned counsel for the petitioner submits that in pursuance to the settlement arrived at between the parties, the entire payment stands made to the complainant and the petitioner has also joined the investigation.

4. Learned counsel appearing on behalf of the complainant admits that the entire payment has been received by the complainant and the complainant shall render his full assistance in quashing of FIR.

5. Learned State counsel on instructions from SI Roshan Lal submits that in pursuance to order dated 22.02.2023, the petitioner has joined the investigation and his custodial interrogation is not required at this stage.

6. Heard learned counsel for the parties.

7. Since the petitioner has joined the investigation and his custodial interrogation is not required at this stage, the present petition is allowed and the ad-interim order dated 22.02.2023 passed by this Court is

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made absolute.

8. However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2) Cr.P.C.

9. It is made clear that if the petitioner fails to comply with any of the bail conditions laid down under Section 438(2) Cr.P.C, the State would be at liberty to move an application for cancellation of this anticipatory bail granted to the petitioner.

10. Nothing expressed here-in-above shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for anticipatory bail at this stage.

11. The petition is accordingly disposed of.

03.05.2023
Himani

(HARSH BUNGER)
JUDGE

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