

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

222

CRM-M-51551-2023 (O&M)

Date of Decision : 20.12.2023

KAJAL & ANR.

.... Petitioners

VERSUS

STATE OF PUNJAB AND ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sarabjit Singh, Advocate for the petitioners.

Mr. Adhiraj Singh Thind, AAG Punjab for respondent No.1.

Mr. Vikas Bali, Advocate and
Ms. Ravisha Mahajan, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.253 dated 20.09.2023 under Sections 354/341/294/506/34 of the Indian Penal Code, 1860 registered at Police Station Jandiala, District Amritsar.
2. On 11.10.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.253 dated 20.09.2023 under Sections 354/341/294/506/34 of the Indian Penal Code, 1860 registered at Police Station Jandiala, District Amritsar.

Learned counsel for the petitioners would contend that initially a complaint was given on 17.02.2023 by both the

sides regarding an altercation that had taken place. In both the complaints, different versions were given by the parties. Subsequently, the present FIR had been lodged. Learned counsel for the petitioners would contend that there is a money dispute between the parties as is apparent from Annexure P-5, which is a complaint under Section 138 of the Negotiable Instruments Act, 1881 filed by the complainant against the petitioners herein. There is also a civil suit filed by the complainant in the year 2022 for recovery of Rs.15 lakhs against the petitioners and one more person. The learned counsel would further contend that a totally false case has been filed against the petitioners and that the petitioners are ready to join the investigation and co-operate. On the oral request of learned counsel for the petitioners, the complainant is impleaded as respondent No.2 in the present petition. Registry is directed to carry out the necessary corrections in the memo of parties.

Notice of motion.

Mr. Mohinder Singh Joshi, Addl. AG Punjab accepts notice on behalf of respondent No.1-State of Punjab while Mr. Vikas Bali, Advocate has accepted notice on behalf of respondent No.2.

Learned counsel for the State, on instructions from ASI Chanchal Masih, has stated that there is no other

case pending against the petitioners. Learned counsel for respondent No.2 prays that the matter may be sent to the Mediation & Conciliation Centre situated in this Court for exploring the possibility of compromise. Learned counsel for the petitioners has no objection.

Let the parties appear before the Mediation & Conciliation Centre on 30.10.2023. The petitioners shall also bring a bank draft for Rs.30,000/- in the name of the complainant towards litigation expenses which shall be handed over to her before the Mediator.

List the matter before the Court on 20.12.2023.

Meanwhile, the arrest of the petitioners shall remain stayed.”

3. Learned counsel for the petitioners would contend that the matter stands settled before the Mediation and Conciliation Centre of this Court and a written compromise has been drawn up between the parties.

4. Learned counsel for respondent No.2 states that though a compromise has been drawn up between the parties, however, the amount is to be paid in 12 monthly installments of Rs.1,00,000/- each commencing from 31.03.2024 till 28.02.2025. Learned counsel further states that since the time period of payment is long, respondent No.2 may be granted liberty to file an application for cancellation of bail in case there is any default in the payment of the amount.

5. Learned counsel for the petitioners has assured the Court that the parties will remain bound with the settlement arrived at before the

Mediation and Conciliation Centre of this Court and that the petitioners would abide by the terms and conditions and would make the entire payment in time, as agreed between the parties.

6. In view of the above, the present petition is disposed off with direction that in the event of arrest, the petitioners shall be admitted to anticipatory bail on their furnishing bail and surety bonds to the satisfaction of the Arresting Officer/SHO concerned and further subject to their compliance of the provisions as contained in Section 438(2) of the Code of Criminal Procedure, 1973. Pending applications, if any, also stand disposed off.

7. However, respondent No.2 would be at liberty to approach this Court and file an application for cancellation of bail in case there is any default in making the payment by the petitioners.

20.12.2023
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO