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(208)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-424-2024

Date of decision : 23.07.2024

SATPAL

... Petitioner

Versus

STATE OF PUNJAB & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Kuldip Singh, Advocate
for the petitioner.

Ms. Ramta K Chaudhary, DAG, Punjab

Mr. L.S. Sidhu, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 438 of Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.40 dated 16.02.2023 (Annexure P-1) registered under Sections 420 and 120-B IPC at Police Station City-2 Mansa, District Mansa.

2. The present FIR came to be registered at the instance of Vinod Kumar who filed a complaint with the police against Satpal (petitioner) son of Amru Ram, Jasvir Kaur wife of Satpal, Lovepreet Singh, Harpreet Singh sons of Resham Singh, Charanjit Singh son of Malkit Singh and Gurdeep Singh alleging that he had known the said persons for the last many years. Satpal used to state that he was a Reader to one I.G. (Police) and his wife Jasvir Kaur was a Police Inspector and

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Gurdeep Singh was a police employee. Charanjit Singh had introduced him (complainant) to the said persons. They had told him that the I.G. was to recruit persons in the police force and he (complainant) could get recruited. A sum of Rs.12 lakhs was demanded from him and in furtherance of the same, he paid them the said amount on different dates including a sum of Rs.1 lakh directly into the bank account of Satpal. As the job was not provided to him and nor was the money returned, he informed the accused that he would make a complaint against them who thereafter, issued him a cheque for Rs.1 lakh which was dishonoured. Legal action was sought.

3. The learned counsel for the petitioner contends that the petitioner and his wife Jasvir Kaur have been falsely implicated. In fact, no such offence as alleged was ever committed. There was a delay of more than one year in the registration of the FIR. The true fact was that the petitioner had given some money to co-accused Charanjit Singh who had assured the petitioner that he would return the same. The petitioner had received amount of Rs.1 lakh which he assumed had been deposited at the instance of Charanjit Singh. It was only later that he came to know that he had been implicated in the present case. As the petitioner was ready and willing to join investigation, he was entitled to the concession of anticipatory bail.

4. On the other hand, the learned State counsel contends that the offence stood established beyond reasonable doubt. It was the



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petitioner who cheated the complainant on the pretext of providing him a job in the Police Department stating that he was a Reader of the I.G. of Police. As the offence was *prima facie* established and the investigation was to be taken to its logical conclusion, he was not entitled the concession of anticipatory bail *moreso* when even after effecting a settlement before this Court, the cheques issued in furtherance of the settlement themselves stood dishonoured.

5. The learned counsel for the complainant contends that during the pendency of the instant petition, a compromise had been arrived at in the Mediation and Conciliation of this Court. Certain cheques had been issued in furtherance of the said compromise which had been dishonoured. The offence was *prima facie* established during the course of investigation and the conduct of the petitioner of effecting a settlement and thereafter issuing cheques which came to be dishonoured itself does not entitle him to the grant of anticipatory bail.

6. I have heard the learned counsel for the parties.

7. When this matter had come up for hearing, on 29.04.2024, the following order was passed:-

“The parties wish to explore the possibilities of amicable settlement.

List on 17.05.2024.

In the meanwhile, the parties are directed to appear before the Mediation and Conciliation Centre of this court on 03.05.2024 for the aforesaid purpose.



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

8. A compromise was arrived at in the Mediation and Conciliation Centre of this Court and therefore, on 17.05.2024, the following order was passed:-

“The Court has been apprised that the parties have settled the dispute amongst themselves.

Adjourned to 23.07.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

(i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.”

9. In pursuance to the compromise, the cheques issued by the petitioner in favour of the complainant stand dishonoured.

10. Quite apparently, at the initial stage, this Court was not inclined to grant the concession of anticipatory bail to the petitioner.



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However, on account of a compromise having been arrived at, his arrest was stayed and the parties were referred to the Mediation and Conciliation Centre of this Court to explore the possibilities of an amicable settlement. The settlement was arrived at but the cheques issued in furtherance of the settlement stand dishonoured. Therefore, it is apparent that not only is the offence *prima facie* made out from the reading of the FIR and the investigation conducted so far but the conduct of the petitioner in effecting a settlement issuing cheques and getting the same dishonoured itself does not entitle him to the grant of anticipatory bail.

11. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

12. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

23.07.2024
JITESH

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