

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

103 CRM-M-7796-2024
Date of Decision : March 20, 2024

LALIT KUMAR -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gaurav Datta, Advocate with
Mr. Vaibhav Bhargav, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. Vishal Aggarwal, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. On 14.02.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

- “1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of anticipatory bail, in case FIR No.384 dated 22.12.2023, under Sections 420, 406 of the IPC, registered at P.S. Zirakpur, District S.A.S. Nagar.*
- 2. At the very outset, the learned counsel for the petitioner submits that the dispute is purely civil in nature, inasmuch as, the petitioner has taken a loan, through R.T.G.S. transaction, from the complainant and as security thereof, he has supplied an agreement to sell of a property to the complainant. He further submits that the petitioner is ready and willing to make payment of the entire disputed amount, as mentioned in the agreement to sell concerned, to the complainant.*
- 3. At this stage, Mr. Vishal Aggarwal, Advocate, records his appearance on behalf of the complainant, under a memorandum of appearance, instituted before this Court today, and, as prayed for, he is permitted to file a validly executed Vakalatnama in his favour by the complainant on or before the subsequent date of*

hearing.

4. Notice of motion.

5. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State.

6. List on 20.03.2024 in the urgent list.

7. In the meanwhile, the petitioner is directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.

8. Moreover, to test the bona fide of the petitioner, as expressed hereinabove by his counsel, the petitioner is directed to, within four weeks, deposit a demand draft of Rs.5,00,000/-, drawn in favour of the complainant, with the investigating officer concerned.

9. Also, on the subsequent date of hearing, the learned counsel for the petitioner is directed to inform this Court about the modus and time-schedule for payment of the entire disputed amount.”

2. The learned counsel for the petitioner submits that, in compliance of the order extracted hereinabove, the petitioner has deposited Rs.5,00,000/-, in the shape of demand draft, with the investigating officer concerned. He further submits that rest of the disputed amount, i.e. Rs.20,00,000/-, will also be deposited with the investigating officer concerned, in four equal installments, which will be paid in the 1st week of every month, commencing from April 2024.

3. The proposal (supra) of the learned counsel for the petitioner is accepted by the learned counsel for the complainant and he submits that, in case, the petitioner complies with the undertaking (supra) through making payment of the balance disputed amount in four equal installments, the complainant is ready and willing to settle the disputed once and for all.

4. The learned State counsel, on instructions imparted to him by

A.S.I. Nirmal Singh, has also stated that pursuant to the making of the order extracted hereinabove, the petitioner had joined investigation and he is no longer required for custodial interrogation, especially when a compromise has been effected *inter se* the parties.

5. In view of the above, the hereinabove extracted interim order dated 14.02.2024, as made by this Court, is made hereby absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. However, it is clarified that, in case, the petitioner fails to honour his undertaking (*supra*), the complainant/respondent-State shall be at liberty to file an appropriate application for revival of the instant petition.

7. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

March 20, 2024
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No