



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.102 and 201

CRM-29342-2024 in/and

CRM-M-18239-2024

Date of decision : 27.09.2024

Raj Kumar Saini

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr.S.K.Dhanda, Advocate, for the petitioner.

Mr.Hitesh Pandit, Addl.A.G., Haryana.

Ms.Sukhveer Kaur, Advocate, for

Mr.K.S.Malik-I, Advocate, for applicant/respondent No.2.

* * * * *

DEEPAK SIBAL, J. (Oral)

1. On 26.02.2021, on the complaint made by the petitioner, FIR No.0110 under Sections 406, 420 and 120-B IPC was registered against respondent No.2 at Police Station Krishna Gate, Thanesar, District Kurukshetra. The allegations made in the FIR were that on the asking of respondent No.2 and his co-accused the petitioner had invested Rs.30 lakhs in the company founded by them. However, after the petitioner made the said investment respondent No.2 and his co-accused defrauded him of the invested amount. In addition, they issued threats to the petitioner.

2. On the registration of the aforesaid FIR respondent No.2 filed a petition before this Court under Section 438 Cr.P.C. seeking therein anticipatory bail which was allowed solely on the ground that the matter between the petitioner and respondent No.2 had been settled before the Mediation & Conciliation Centre of this Court.

3. The settlement, on the basis whereof respondent No.2 was granted



anticipatory bail, was entered into in January, 2023 and that as per the terms of the same the settled amount was required to be repaid to the petitioner by June, 2023. Even after one year and six months after June, 2023, the promised amount has not been paid to the petitioner by respondent No.2 which clearly reveals his fraudulent conduct.

4. Further, in the affidavit filed by the State, it has been stated that respondent No.2, in spite of repeated notices, has failed to join the investigation.

5. Even after about 1½ years, the settlement, solely on the basis whereof respondent No.2 had been granted anticipatory bail, has not been honoured by him. Further, in spite of repeated notices issued by the investigating officer, respondent No.2 has also failed to join the investigation. Thus, he has violated the conditions on the basis whereof he was granted anticipatory bail. Therefore, the anticipatory bail granted to respondent No.2 through order dated 13.01.2023 passed in CRM-M-13731-2021-Ravinder Kumar vs. State of Haryana and another is ordered to be cancelled.

6. The petition is allowed in the above terms.

7. Pending miscellaneous applications(s) also stand disposed of.

27.09.2024
shamsher

[DEEPAK SIBAL]
JUDGE

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