



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-28599-2024

Date of Decision : **November 18, 2024**

SURENDER

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Sanjiv Sheoran, Advocate for the petitioner.
Mr. Bhupender Singh, D.A.G., Haryana.
Ms. Anjali, Advocate for
Mr. Devender Arya, Advocate for the complainant.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 438 of Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.71 dated 11.5.2024, under Sections 406, 506 IPC (Section 420 IPC added lateron), registered at Police Station City, Kanina, District Mahendergarh.
2. This Court vide order dated 31.5.2024, had passed the hereinafter extracted order, upon the instant petition:-

“Through the instant petition filed under Section 438 Cr.P.C., prayer is made for grant of anticipatory bail to the petitioner in case FIR No.71, dated 11.05.2024, under Sections 406 and 506 of IPC, (Section 420 IPC, added later on), registered at Police Station City Kanina, District Mahendergarh.

A written complaint was made by one Lalit Kumar on 09.04.2024, to the effect that, he and his wife are singers. They have close proximity with the present petitioner, and about 2 years ago they handed over their scorpio car bearing No.HR-82-A-9509, to the present petitioner, and asked him to pay the balance amount in installments. However, after paying installments for few months, he stopped paying installments for next seven months, nor he return the said scorpio car to him.

On the basis of the aforesaid allegations, the present FIR was registered.

Learned counsel for the petitioner, at the very outset, submits that the petitioner, in view of the oral settlement, is ready and willing to pay the entire balance loan amount of the vehicle in question.

Notice of motion.

Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of respondent-State and waives service.

Adjourned to 24.07.2024.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so, and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

The petitioner is also directed to clear the entire remaining installments on or before the next date of hearing and produce the receipt regarding the payment of installments, before this Court.”

3. On the subsequent date of hearing, it was informed by the learned counsel for the petitioner that the petitioner had only deposited Rs.2,50,000/- towards the outstanding amount, however, he submitted that in case one more month is granted to the petitioner, he will clear the balance outstanding amount and the matter was adjourned to 28.8.2024.

4. During the pendency of the instant petition, both the parties were sent to the Mediation and Conciliation Centre of this Court, as this Court was of the opinion that the matter could be settled between the parties concerned.

5. A brief status report was also filed by the State mentioning therein that the total outstanding amount of the vehicle is infact Rs.4,37,864/.

6. Today, a report has been received from the Mediation and Conciliation Centre of this Court. According to the report, the compromise could not be effected between the parties concerned.

7. Learned counsel for the petitioner yet submits that he is still ready and willing to deposit the entire outstanding amount, which is Rs.4,37,867/- to show his bonafide.

8. The learned State counsel on instructions imparted to him by the official concerned informs this Court that section 420 IPC, has been deleted in the instant FIR, whereas, Sections 406 and 506 IPC still remain. He further submits that the petitioner has joined the investigation.

9. In view of the above, the hereinabove extracted interim order dated 31.5.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the present offence;

- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

10. The petitioner is directed to deposit the entire outstanding amount with the finance company concerned within a period of one month from today. However, in case the petitioner fails to make compliance to the undertaking given to this Court by not depositing the amount within the aforesaid stipulated period, the interim relief granted by this Court shall be deemed to be *ipso-facto* vacated without any further reference to this Court.
11. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) 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.
12. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

November 18, 2024
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(KULDEEP TIWARI)
JUDGE

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