

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

210

CRM-M NO.30008 of 2023
DATE OF DECISION: 19.03.2024

Rajiv Aggarwal

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM HON’BLE MR. JUSTICE KULDEEP TIWARI

Present Mr.R.S.Mamli, Advocate,
for the petitioner.

Mr.Abhinash Jain, DAG, Haryana.

Mr. Abhimanyu Batra, Advocate, for complainant.

KULDEEP TIWARI, J (ORAL)

1. On the last of hearing i.e on 12.02.2024, the following order was passed:-

“1. The learned State counsel has filed reply dated 09.02.2024, on affidavit of Shubham Singh, IPS, Assistant Superintendent of Police, Badli, District Jhajjar, and, the same is taken on record.

2. At the very outset, the learned counsel for the petitioner submits that, in order to express his bona fide, the petitioner is ready and willing to settle the loan amount of the complainant, in case the complainant is also ready and willing to enter into a full and final settlement/compromise.

3. Upon this, the learned counsel representing the complainant submits that though the proposal made by the learned counsel for the petitioner appears to be genuine and innocuous, however, before accepting the said proposal, he seeks an adjournment to get instructions from his client in this regard.

4 List on 22.02.2024, for enabling the learned counsel for the complainant to receive instructions from his client qua proposal (supra).

5 In the meantime, interim order shall continue.”

2. Today, learned counsel for the complainant has handed over a bank statement disclosing therein, that the complainant suffered the loss of Rs.5,63,855/-, the copy of which is supplied to this Court as well as to the counsel for the complainant. The same is taken on record as Mark A, according to which, an outstanding amount payable to the bank by the complainant stand at Rs,5,63,855/-.

3. Counsel for the complainant further submits that in case the petitioner clears the entire outstanding ,which was occurring on the date of making final payment and further submits his No Dues Certificate from the bank, with the Investigating Officer concerned, with actual litigation expenses so incurred, he would be able to have instructions to submit that complainant has no objection if the present FIR is quashed.

4. Faced with the abovesaid situation, learned counsel for the petitioner submits that the petitioner has no intention to run away from the clutches of law, rather he stand by the statement as made earlier before this Court, and they will pay the entire outstanding amount and actual litigation expenses, however, he require some time to make the above said payment with the bank concerned.

5. In view of the bondfide and innocuous prayer as made by the learned counsel for the petitioner, the petitioner is directed to clear the entire outstanding of complainant bank account within four months.

6. Learned State counsel, on instructions imparted to him, informs the Court that the petitioner has already joined investigation, and is not required for any further custodial interrogation.

7. In view of the above, the instant petition is **allowed** and the order dated 26.07.2023, is hereby, made absolute, subject to the condition that the petitioner shall within four months from today will completely settle the outstanding amount, of the complainant and will submit No Dues Certificate issued by bank to the Investigating Officer.

8. In case the petitioner fails to comply with the undertaking given to this Court, the relief of pre-arrest bail as granted to the petitioner by this Court, would *ipso facto* vacated without any further reference to this Court, and the Investigating Officer would be at liberty to forthwith arrest the present petitioner in the instant matter.
9. Petition is disposed of in the above terms.

19.03.2024

mamta

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(KULDEEP TIWARI)
JUDGE