



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-31216-2024

Date of decision: 12.12.2024

Lakhwinder Singh Tung

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. H.S. Randhawa, Advocate for
Mr. P.S. Ahluwalia, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Tanya Kanwar, Advocate for
Mr. Keshav Pratap Singh, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.31 dated 01.03.2024 under Sections 406, 420 of the Indian Penal Code, 1860, registered at Police Station City Nawanshahar, District SBS Nagar.

2. On 04.07.2024, while noticing the following submissions made by the learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

“Learned counsel for the petitioner while drawing the attention of this Court to the impugned order Annexure P-8, has submitted that the trial Court had made wholly erroneous observations. Initially, the petitioner was granted interim protection, but his anticipatory bail application was subsequently declined based on grounds



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that contradict the prosecution's case and the material on record. It has been further submitted that the petitioner entered into an agreement with the District Bar Association Building Committee, SBS Nagar for construction of chambers vide agreement dated 9.11.2019 Annexure P-2. However, this agreement was revoked vide a legal notice Annexure P-4 after the petitioner had already undertaken substantial construction of the chambers. In support, learned counsel has drawn the attention of this Court to Annexure P-3, which are photographs of the construction site.

Learned counsel has in particular drawn the attention of this Court to the allegations levelled in the FIR as well as the observations made by the trial Court by asserting that the trial Court had erroneously observed that the petitioner had embezzled the entire amount of Rs.2 crores and had not laid a single brick towards construction of the chambers. This observation directly contradicted the contents of the FIR Annexure P-1 wherein it had been alleged by the complainant that there had been an embezzlement of Rs.80 lakhs. Moreover, the revocation notice also acknowledged that construction work valued at Rs.1.05 crores had been completed by the petitioner. Therefore, it was clear that the dispute between the parties was civil in nature, centered on a contractual disagreement regarding the valuation of work done by the petitioner, and had been deliberately given a criminal dimension to implicate the petitioner in the present case."

3. Thereafter, vide order dated 26.09.2024, the parties were directed to appear before the Mediation and Conciliation Centre of this Court for exploring the possibility of an amicable settlement.

4. Report has been received from the Mediation and Conciliation Centre, to which the parties were referred to by this Court. As per the report received and also as per the submissions made by learned counsel for the parties today in the Court, the parties have amicably settled all their disputes.

5. Learned counsel for the petitioner, thus, prays that in the

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wake of the above, interim order dated 04.07.2024 be made absolute.

6. Learned counsel appearing for the complainant has not disputed the submissions made by the counsel opposite and does not oppose the prayer made. However, he submits that in case the petitioner does not adhere to the terms and conditions of the compromise so effected between the parties, the complainant be granted the liberty to approach this Court for cancellation of bail.

7. I have heard learned counsel for the parties and perused the relevant material on record.

8. In the wake of the aforementioned, the instant petition is allowed and interim order dated 04.07.2024, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C.

9. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State/complainant would be at liberty to seek cancellation of the same.

12.12.2024

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**(MANJARI NEHRU KAUL)
JUDGE**

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