

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102 CRM-M-34896-2023
Date of Decision : March 20, 2024

DEEPAK BHALLA -PETITIONER

V/S

STATE OF HARYANA -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Suksham Aggarwal, Advocate
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Sachin Pal Vaid, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. On 05.03.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

*“Learned counsel for the petitioner submits that though
the earlier mediation has failed between the parties but yet she
has instructions to make a statement that the petitioner is ready
and willing to return the entire earnest money, which he has taken
from the complainant just to show that his intention was not
dishonest at the time of entering into the agreement to sell.*

*Learned counsel for the complainant submits that in case
the petitioner returns the entire earnest money, within a time
bound manner, then they will have no objection in settling the
matter once for all.*

Adjourned to 20.3.2024.

*In the meantime, both the parties are directed to file
specific affidavits on or before the next date of hearing.*

*It is also directed that the half of the disputed amount of
the earnest money shall be paid by the petitioner on the next date*

of hearing through demand draft drawn in favour of the complainant and rest of the amount shall be paid within two months thereafter.

The personal appearance of the Investigating Officer is dispensed with, till further orders.

It is further made clear that no more adjournment shall be granted and in case of non-compliance of the above mentioned order, the instant petition shall be deemed to be ipso-facto dismissed, without any further reference to this Court.

To be shown in the urgent list.”

2. Today, in compliance of the order extracted hereinabove, the learned counsel for the petitioner has placed on record an affidavit sworn by the petitioner, wherein he has deposed that, he has already handed over a demand draft of Rs.10,75,000/-, drawn in favour of complainant- Gurpal Singh, to the complainant. Moreover, he has furnished an undertaking therein to, within two months, make payment of the remaining amount of Rs.10,75,000/- to the complainant, through demand draft. The affidavit (supra) is taken on record as Mark A.

3. The learned counsel for the complainant has also admitted the factum *qua* receipt of demand draft of Rs.10,75,000/- by the complainant. Moreover, he has also placed on record an affidavit sworn by the complainant, wherein he has deposed that, in case the petitioner complies with the undertaking furnished in his affidavit (Mark A), he is ready and willing to settle the matter once and for all. The affidavit of the complainant is also taken on record as Mark B.

4. The learned State counsel, on instructions imparted to him by the official concerned, 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 05.03.2024, 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, as furnished in affidavit (Mark A), 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