

205-1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-38827-2023 (O&M)
Date of decision : 23.04.2024**

Pawan Jha

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Ravi Rana, Advocate,
for the petitioner.

Ms. Manjot Kaur, AAG, Punjab,
assisted by SI Rajinder.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure, 1973 has been filed for grant of pre-arrest bail to the petitioner in FIR No.129 dated 09.06.2023, under Sections 406 & 420 of the Indian Penal Code, 1860, registered at Police Station Jamalpur, District Police Commissionerate, Ludhiana.

2. Allegations are that petitioner duped informant-*de facto* complainant to the tune of Rs.2,85,000/- for selling a plot.

3. Contends that the Coordinate Bench granted interim bail to petitioner on 05.09.2023 and in terms thereof, he has already joined the investigation and his custodial interrogation is not required.

4. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court

and further stated that custodial interrogation of the petitioner is not required at this stage.

5. Heard learned counsel for the parties and perused the paper-book.

6. It is an admitted position that petitioner was granted interim bail by the Coordinate Bench on 05.09.2023 and relevant part of the same is recapitulated as under:-

“Instant petition has been filed under Section 438, Cr.P.C., for grant of anticipatory bail in:-

FIR No.	Dated	Police Station	Section(s)
129	09.06.2023	Jamalpur, District Police Commissionerate Ludhiana.	406 and 420, IPC.

Counsel for the petitioner submits that Annexure P-2, appended with the petition, is the true translation of the Sale Agreement in possession of the petitioner. He submits that the petitioner is working as an employee of a property dealer and has been falsely implicated in the FIR. He submits that the Sale Agreement, Annexure P-2, was executed between Vijay Singh and the complainant – Raja Babu, and the Sale Deed was to be registered on 27.09.2018. He submits that there is an unexplained delay of 5 years in the registration of FIR, Annexure P-1. He has placed reliance upon judgment of Bombay High Court in Ishwar Versus State of Maharashtra, 2017 (3) AIR Bom. R (Crl) 97, judgment of Allahabad High Court in Shiv Kumar Versus State of U.P., 2012 (13) RCR (Criminal) 930 and a judgment of this Court in CRM-M-54714-2018 titled as Rajwinder Kaur Versus State of Punjab, decided

on 04.02.2019. Counsel submits that the petitioner, who has clean antecedents, is ready to join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. A.P.S.Tung, DAG, Punjab, accepts notice on behalf of the respondent-State. He is assisted by Mr. Vansh Chawla, Advocate, for the complainant. By referring to Sale Agreement, Annexure P-2, State counsel submits that the petitioner has forged the signature of the alleged seller, Vijay Singh. Counsel representing the complainant submits that a compromise was executed between the parties on 14.01.2023 and petitioner agreed that he will return the amount or execute the Sale Deed.

Petitioner is directed to appear before the Investigating Officer on 18.09.2023 at 10.00 A.M. at Police Station Jamalpur, District Police Commissionerate Ludhiana, and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.

After hearing, this Court is of the view that there is a possibility of settlement of the dispute and the Court deems it appropriate to refer the matter to the Mediation and Conciliation Centre of this Court.

Parties are directed to appear before the Mediation Centre on 30.10.2023 at 10.00 A.M.

List on 18.12.2023 to await the report of the learned Mediator.”

7. It is acknowledged by learned State counsel that in pursuance of above order, petitioner has joined the investigation and his custodial interrogation is not required at this stage.
8. In view of above, interim order dated 05.09.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
9. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
10. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
11. Disposed off accordingly.
12. Pending application(s), if any, shall also stand disposed off.

23.04.2024
atulsethi

(MAHABIR SINGH SINDHU)
JUDGE

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