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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

CRM-M-40394-2023
Date of decision : 30.04.2024

Renu Aneja and another Petitioners

versus

State of Punjab and another Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Hemant Saini, Advocate
for the petitioners.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Ms. Pooja Chhabra, Advocate for
Mr. Rahul Deswal, Advocate
for respondent No.2.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 18.08.2023, following order was passed:-

“Apprehending their arrest in FIR No.618 dated 01.08.2023, registered under Sections 406/420/506/34 IPC at Police Station City, District Karnal, petitioners seek pre-arrest bail.

Learned counsel for the petitioners *inter alia* submits that even though all the allegations levelled against the petitioners are taken on their face value the same would make out a case for suit for specific performance i.e. matter of civil nature but not of a cheating.

Notice of motion for **07.11.2023**.

On the asking of the Court, Mr. Gaurav Bansal, DAG, Haryana appears and accepts notice on behalf of respondent No.1-State.

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Mr. Zila Singh Deswal, Advocate has entered appearance on behalf of respondent No.2-complainant.

Learned counsel for both the parties i.e. for the petitioner as well as the complainant are *ad-idem* that the matter can be settled and thus pray that the same be sent to Mediation & Conciliation Centre of this Court.

Accordingly, the parties are directed to appear before the Mediation & Conciliation Centre, on 04.09.2023 to get the statements recorded and to report about authenticity of the compromise.

In the meantime, in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioners shall join the investigation. They shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.”

2. Thereafter vide order dated 20.02.2024, matter was referred to Mediation and Conciliation Centre of this Court. Report from the mediator has been received. As per the same, the matter stands settled. Written settlement dated 19.04.2024 has been executed as per the mediator. So is the stand taken by counsel representing private parties.
3. In view of above, the interim order dated 18.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4. This order should not be treated as "blanket" order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in

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respect of any other incident that involves commission of an offence.

5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioners.
6. The petitioners shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioners in case the occasion arises.
7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

30.04.2024
Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No