



CRM-M-47802-2024

-1-

213

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

CRM-M-47802-2024

Date of Decision:- 13.11.2024

Kaviraj Singh Pabla

...Petitioner

Vs.

Union Territory Chandigarh

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. S.S.Kamboj, Advocate for petitioner.

Mr. Manish Bansal, PP, UT, Chandigarh
for respondent-State.

Mr. Ranjivan Singh, Advocate for complainant.

AMARJOT BHATTI, J.

1. Petitioner Kaviraj Singh Pabla has filed petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No.43 dated 11.07.2024, under Section 120-B, 406, 420 of IPC, registered at Police Station Sector 49, Chandigarh.

2. As per facts of the case, Anish Kumar Kaushal filed written complaint against Kaviraj Singh Pabla, Surinder Kaur Saini and Kanwaldeep Singh Pabla alleging that complainant was resident of flat No.1112, 1st Floor, Pushpac Complex, Sector 49-B, Chandigarh. Accused No.1 and 2 were absolute joint owners of flat No.1253, Ground Floor, Category-B, Pushpac Complex, Sector 49-B, Chandigarh and they agreed to sell the property vide agreement to sell dated 26.06.2023 with him and

**CRM-M-47802-2024****-2-**

his wife and sale deed was to be executed on 26.10.2023. Sale consideration was fixed as Rs.1.37 crore and a sum of Rs.40,50,000/- were paid as earnest money. It was alleged that property was free from any liability and later on they came to know that Chandigarh Administration through Sub Divisional Magistrate, South had initiated proceedings against accused No.1 and 2 for unauthorized construction in the flat and the matter was pending. Estimated calculation of penalty was Rs.15,00,000/- approximately as compounding fee. Later on they further came to know that son of accused No.1 and 2 namely Kanwaldeep Singh Pabla had also posted online advertisement for sale of said flat. With these allegations, present FIR was registered.

3. Vide order dated 24.09.2024, matter was referred to Mediation and Conciliation Centre of this Court and arrest of petitioner was stayed to explore the possibility of compromise.

4. Report has been received from Mediation and Conciliation Centre of this Court along with settlement agreement arrived at between the parties dated 22.10.2024. Compromise is also confirmed by learned counsel for complainant.

5. Learned counsel for petitioner stated that in view of aforesaid compromise, anticipatory bail petition filed by petitioner may be allowed.

6. I have considered the aforesaid arguments and have gone through the record. Matter has been settled through Mediation and Conciliation Centre of this Court. Petitioner is ready to join the investigation. Therefore, no purpose would be served by sending the petitioner behind the bars. Accordingly, anticipatory bail petition filed by petitioner –Kaviraj

CRM-M-47802-2024

-3-

Singh Pabla is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioner will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 482(2) BNSS.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

13.11.2024

(AMARJOT BHATTI)
JUDGE

Sunil Devi

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