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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-13900-2022

Reserved on: 01.08.2025

Pronounced on: 12.08.2025

Rajan Bhatti and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. S.K. Choudhary, Advocate
for the petitioners.

Mr. Akshay Kumar, A.A.G., Punjab.

Mr. Shivam Garg, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
40	08.03.2022	Division No.2, District Pathankot	420, 417, 406, 506, 120-B IPC

1. The petitioners apprehending arrest in the FIR captioned above have come up before this Court under Section 438 CrPC, seeking anticipatory bail.
2. On 02.04.2022, a Co-ordinate Bench of this Court had granted interim protection to the petitioners and the said order was continued till 29.05.2025, however after that, the said order was neither re-called nor extended further. Needless to say that it was fog end of COVID-19 pandemic. On 25.04.2023, counsel for the petitioners informed the Court that they would be depositing Rs.1 lac with the Investigator within 07 days. After that, on 11.05.2023, the matter was sent to Mediation and Conciliation Centre of this Court, On 18.07.2023, the Court was informed about the compromise being taken place but not the terms of compromise. On 24.08.2023, counsel for the complainant informed that the accused have failed to pay the amount of Rs.4.50 lacs out of the agreed amount of Rs.5.50 lacs and on this, notices were issued to them that why interim protection should not be cancelled. Subsequently, another order dated 20.11.2023 was passed where counsel for the petitioners submits that he would be bringing demand draft of Rs.2 lacs on the next date. On 13.12.2023, the date was extended to 21.12.2023 and again on 09.01.2024, demand draft of Rs.1,50,000/- was handed over to the complainant and an assurance was made to pay balance of Rs.50,000/- on the next date and Rs.2,50,000/- at the time of quashing of FIR.



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3. On 09.01.2024, following order was passed:

“In view of the settlement dated 01.06.2023 arrived at between the parties, a demand draft bearing No.306543 dated 06.01.2024, amounting to Rs.1,50,000/- has been handed over to the counsel for the complainant. A copy of the same has been taken on record as Document 'A'.

Learned counsel for the petitioner seeks some more time to pay balance amount, out of which he will pay Rs.50,000/- on the next date of hearing and Rs.2,50,000/- at the time of quashing of FIR.

Four weeks' time is granted to do the needful.

Adjourned to 15.02.2024.”

4. Subsequently, on 15.02.2024, following order was passed:

“In compliance of the order dated 09.04.2024, a sum of Rs.50,000/- has been paid by learned counsel for the petitioners today in Court, by way of a demand draft, copy thereof is taken on record.

The aforesaid demand draft has been received by learned counsel for the complainant today in Court.

Learned counsel for the petitioner is directed to file an application along with Settlement Deed duly scribed among the parties to the present dispute.

Adjourned to 21.03.2024.”

5. On 29.07.2024, counsel for the petitioners sought time to deposit Rs.2,50,000/-. The matter was adjourned subsequently also and on 17.12.2024, a Co-ordinate Bench of this Court had passed the following order:

“Petitioner No.1-Rajan Bhatti is present in Court today though do not have any assistance from his counsel and tender his apology for not complying the order dated 02.12.2024, the same is accepted and the rule is discharged against him to show cause notice issued to him on previous date.

Petitioner No.1 undertakes that Rs. 50,000/- and Rs. 2,50,000/- (two installments undertaken by the petitioner) would be paid within a period of two months from today, accordingly prays for an adjournment to enable him to arrange funds.

On his request last opportunity is granted to show his bona fides, hearing of the case is deferred to 18.02.2025.”

6. On 18.02.2025, following order was passed:-

“Today, learned counsel appearing for the petitioner No.1 submitted that



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a demand draft of Rs.1,00,000/- in the name of complainant Satinder Singh has been handed over to Mr. Shivam Garg, learned Advocate for the complainant. A photocopy of the same is taken on record.

At the same time, learned counsel for the petitioner No.1 undertakes to pay the balance amount of Rs.1.50 lacs at the time of recording of statement qua the settlement before the trial Court/Illaq Magistrate as and when the petition for quashing of the FIR is filed and directed by this Court.

In the light of above, hearing of the case is deferred to 19.03.2025.

Interim order to continue till the next date of hearing.”

7. After that, the matter was again adjourned. Another effective hearing had taken place on 29.05.2025, on which date following order was passed:-

“In the instant petition, the show cause notice to the petitioners was issued on 02.12.2024 on account of non-adhering to the undertaking given before this Court. Thereafter despite specific directions to appear in person, the petitioners are not appearing before this Court even if the counsel has stopped appearing on their behalf. Though on an undertaking, which has not been complied with by the petitioners, the interim relief was granted on 02.04.2022 whereby the petitioners were directed to join the investigation and in case of doing so, be released on bail by the IO on furnishing of bail bonds/surety bonds to his satisfaction subject to the condition as provided under Section 438(2) Cr.P.C.

On 07.05.2024, Ms. Arshdeep Kaur, learned counsel appearing for the petitioners sought time to arrange the amount of Rs.2,50,000/- to which ought to have been paid to the complainant on account of compromise entered into between the parties for seeking quashing of instant FIR but thereafter except seeking time nothing has been acted upon by the petitioners. On numerous dates, the case was taken up but the situation did not change and time and again statements were made before this Court on behalf of the petitioner No.1 assuring that he will make the payment of balance amount of Rs. 1,50,000/- at the time of recording of the statement qua the settlement before the trial Court/Illaq Magistrate and on that aspect interim relief, which was granted to them, was ordered to be continued.

Today as well, the case has been called for the second time in a day, there is no assistance to the Court either by the petitioner or through their advocates as none is present.

Since, there is a show cause notice for committing Contempt of Court, the absence of petitioners would be deemed to be an act of disobedience to the direction as was passed vide order dated 02.04.2022, their appearance needs to be procured and for that purpose Chief Judicial Magistrate, Pathankot is directed to seek their presence by issuingailable warrants and in case saidailable warrants remain



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unexecuted, CJM, Pathankot is at liberty to take necessary steps to proceed further with the issuance of non-bailable warrants as well and if such non-bailable warrants are executed, the petitioners will be produced before this Court on the next date of hearing.

Adjourned to 14.07.2025.”

8. On 14.07.2025, following order was passed:

“In the morning, there was a request by the learned counsel for the petitioners to appear through video conferencing mode but none has joined the proceedings since the window was kept open since morning.

Vide order dated 29.05.2025, CJM, Pathankot was directed to secure the presence of both the petitioners namely Rajan Bhatti and Satish Kumar.

Today, the case came up for hearing, however, no one has put in appearance on behalf of the petitioners. Report from learned CJM, Pathankot has not been received so far showing the compliance of aforesaid order.

Registrar (Judicial) is directed to call a report from learned CJM, Pathankot with regard to compliance of order dated 29.05.2025.

Adjourned to 01.08.2025.”

9. Pursuant to order dated 29.05.2025 followed by 14.07.2025, per report of Chief Judicial Magistrate, Pathankot, petitioners have been arrested and is in custody and produced before this Court as compliance.

10. An analysis of the above would lead to the following outcome. Petitioners had initially come before this Court seeking anticipatory bail, however they were brought in custody under Court's order which cannot be treated as arrest by the police to take off or strip of jurisdiction of this Court for anticipatory bail. Although petitioners are in custody because of the orders passed by Co-ordinate Bench, still the present petition for anticipatory bail is maintainable for the reason that they were on interim bail and their custody was asked only for production before this Court. As such, it is appropriate that this Court decides petition on merits.

11. Allegations in the FIR against the petitioners are taking action against the petitioners who had played fraud by taking loan of Rs.10 lacs from M/s New R.S. Finance Company on 21.01.2019 by mortgaging the car and keys were given to the company. Complainant further submitted that when they tried to take back the possession of the car, they were intercepted and were given beatings. Based on this, above captioned FIR was registered.

12. State as well as counsel for the complainant opposed the bail, however counsel for



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the petitioners submits that as per settlement, they have returned the amount. Without elaborating further and discussing the matter in detail, it is not a case for custodial interrogation or pre-trial incarceration.

13. Given above, the present petition is allowed. Interim order dated 02.04.2022 is hereby made absolute. Since the petitioners were brought in custody, they shall be released by the concerned Police Station/Magistrate immediately on uploading of this Court on the official website of this Court. As concerned for the contempt of Court for violation of order of this Court, no notice is pending and notice issued vide order dated 02.12.2024 already stands discharged. It is further clarified that if due to non-extension of interim protection on the previous dates, petitioners are taken into custody in the FIR captioned above, the concerned Court to release them on bail on same terms as enumerated above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.08.2025
Jyoti Sharma

Whether speaking/reasoned:	Yes
Whether reportable:	No.