



IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. _____ OF 2024
(@ Special Leave Petition (Crl.) No. 3184/2024)

OM PRAKASH . . . APPELLANT (S)

VERSUS

STATE OF HARYANA & ORS. . . . RESPONDENT (S)

O R D E R

Leave granted.

This appeal challenges the order dated 12.02.2024 passed by the High Court of Punjab & Haryana at Chandigarh in CRM-M-4171-2022 (O&M).

Apprehending arrest in connection with crime registered pursuant to FIR No.188 of 2021 lodged with Sector 9A Police Station, Gurugram in respect of the offence punishable under Sections 420, 467, 468 471 and 120-B of the Indian Penal Code, 1860, the appellant preferred an application before the High Court seeking anticipatory bail in terms of Section 438 of the Code of Criminal Procedure, 1973 ("the Code" for short).

Said application for anticipatory bail has been rejected by the High Court vide the impugned order

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dated 12.02.2024. Hence, instant appeal has been preferred.

By order dated 07.03.2024, while issuing notice, this Court granted interim protection in favour of the appellant.

We have heard learned senior counsel in support of the appellant and learned counsel for the respondents.

Learned senior counsel appearing for the appellant on instructions from learned Advocate on Record submitted that two Demand Drafts for a total sum of Rs. 40,00,000/- (Rs.20,00,000/- each) drawn on HDFC Bank and Canara Bank shall be handed over to the learned counsel for the respondent nos.2 and 3, if the respondent nos.2 and 3 are interested in accepting the said amount with a view to settle the dispute between the parties which is essentially civil in nature. If the respondent nos. 2 and 3 are not interested in accepting the said amount, then the case of the appellant may be considered independent of that aspect.

Learned senior counsel for the appellant further reiterated that the allegations are

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concerning a civil dispute and the interim protection was granted by this Court in the initial stage itself and there has been continuation of the interim protection vis-a-vis the FIR filed by the complainant(s) as against the appellant herein. He submitted that although the respondent(s)/State had directed him to be present as many as six times before the concerned police station, the State has not completed the investigation and neither has the Charge-sheet been filed. It was submitted that the appellant is about 73 years of age and that he is willing to settle the dispute with the complainant(s)/ respondent(s) as he is also ready and willing to pay a reasonable rate of interest on the sum of Rs.40,00,000/- to the complainant(s)/respondent(s). In the circumstances, his plea for anticipatory bail may be considered and granted.

Learned counsel for the respondent(s)/State submitted that it is true that the investigation has been inconclusive one of the reasons being that the settlement in the matter was considered to be a major factor and, therefore, there is no conclusion of the

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investigation. If the parties are willing to settle, then the matter would be considered accordingly. In the circumstances, appropriate orders may be made in this appeal.

Learned counsel for the complainant(s)/respondent(s), however, opposed grant of anticipatory bail to the appellant herein and contended that there has been fabrication of the documents and the respondent(s)/complainant(s) have been prejudiced vis-a-vis their rights, title and interest vis-a-vis sale of the subject plot and that the said plot was never allotted to the appellant by Haryana Shehri Vikas Pradhikaran (HSVP). Therefore, there is no merit in this appeal.

Learned counsel for respondent No.4/HSVP with reference to her counter affidavit, also stated that there is no merit in this appeal.

Learned counsel for respondent no. 2/complainant and respondent no.3 submitted that the Demand Drafts shall be accepted, however, it shall be subject to further payment of interest of 10% as per the terms of Agreement on the said amount. She, however, submitted that the complainant is interested in

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pursuing the complaint irrespective of the payment of the amounts by the appellant herein.

Be that as it may. We have considered the arguments advanced at the Bar in light of the material on record and the facts and circumstances of the case and also bearing in mind the age of the appellant, who is stated to be about 73 years of age and also the fact that the appellant has returned a sum of Rs.40,00,000/- by two Demand Drafts and is also willing to pay interest on the said sum as per the terms of the Agreement.

It is also noted that the Demand Drafts have been revalidated and in case of necessity, fresh Demand Drafts will be given to learned counsel for respondent nos.2 and 3. The amount of interest, to be calculated @ 10% as per the terms of Agreement, shall be paid within a period of four weeks from today as suggested by learned senior counsel for the appellant.

Considering the circumstances on record, in our view, the appellant is entitled to the relief claimed under Section 438 of the Code.

We, therefore, allow this appeal and set aside

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the order passed by the High Court dated 12.02.2024. We direct that in the event of arrest of the appellant, the Arresting Officer shall release the appellant on bail subject to furnishing cash security in the sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) with two like sureties.

It is directed that the appellant shall extend complete cooperation in the ensuing investigation. The appellant shall not misuse his liberty and shall not in any way influence the witnesses or tamper with the material on record.

With the aforesaid directions, the criminal appeal is allowed.

.....J.
[B.V. NAGARATHNA]

.....J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI
SEPTEMBER 11, 2024

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3184/2024

(Arising out of impugned final judgment and order dated 12-02-2024 in CRM-M No. 4171/2022 (O&M) passed by the High Court Of Punjab & Haryana At Chandigarh)

OM PRAKASH

Petitioner(s)

VERSUS

STATE OF HARYANA & ORS.

Respondent(s)

(IA No. 56237/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 56238/2024 - EXEMPTION FROM FILING O.T.)

Date : 11-09-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Shailesh Madiyal, Sr. Adv.
Mr. Brajesh Pandey, Adv.
Mr. Sandeep, Adv.
Mr. Kanchan Kumar Jha, Adv.
Mr. Sachin Pahwa, Adv.
Mr. Ram Narayan Mohanty, Adv.
Mr. Anilendra Pandey, AOR

For Respondent(s) Mr. Shekhar Raj Sharma, D.A.G.
Mr. Akshay Amritanshu, AOR
Mr. Samyak Jain, Adv.
Ms. Nidhi Narwal, Adv.
Ms. Drishti Saraf, Adv.
Ms. Pragya Upadhyay, Adv.

Ms. Ankita Chaudhary, AOR
Mr. Shreyas Balaji, Adv.
Mr. Abhilash Vashisth, Adv.
Mr. Parmod Kumar Vishnoi, Adv.
Mr. Vaibhav Dwivedi, Adv.
Mr. Raghav Sharma, Adv.

Mr. Shekhar Raj Sharma, D.A.G.
Ms. Noopur Singhal, Adv.
Mr. Samar Vijay Singh, AOR
Ms. Nidhi Narwal, Adv.
Ms. Sabarni Som, Adv.
Mr. Fateh Singh, Adv.

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UPON hearing the counsel the Court made the following
O R D E R
Leave granted.

The present Appeal is allowed in terms of the
signed order.

In the event of arrest of the appellant, the
Arresting Officer shall release the appellant on bail
subject to furnishing cash security in the sum of
Rs.25,000/- (Rupees Twenty-Five Thousand only) with two
like sureties.

Pending application(s) shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)

(signed order is placed on the file)