

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

CRM No.M-34958 of 2015 (O&M)

Date of Decision: 08.02.2016

Ram & another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sandeep Arora, Advocate for the petitioners.
Mr. K.D. Sachdeva, Additional Advocate General, Punjab.
....

TEJINDER SINGH DHINDSA.J.

This order shall dispose of the present petition filed under section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in case FIR No.148 dated 01.07.2015, under Sections 323/341/379-B/427/506/34 IPC, registered at Police Station Division No.8, Jalandhar, District Jalandhar.

While issuing notice of motion on 12.10.2015, the following order was passed by this Court:

“Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the case. He further submits that even the name of petitioner No.2 has not been mentioned in the FIR. All offences are bailable except the offence under Section 379-B IPC, which has been added just to make it more serious. Learned counsel also submits that the dispute between the parties has been settled and complainant is not interested in taking further action against the petitioners. Learned counsel further submits that the petitioners are ready to join investigation and to abide by all terms and conditions to be imposed by this Court or by the Investigating Officer.

Notice of motion for 03.12.2015.

However, in case, the petitioners join investigation and in the event of their arrest, they shall be released on interim bail to the satisfaction of the Investigating Officer. They shall join the investigation as and when required by the Investigating Officer. They shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

(i) that the petitioners shall make themselves available for interrogation before investigating officer as and when required;

(ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii) that the petitioners shall not leave India without the prior permission of the Court.”

Learned State counsel upon instructions from ASI Bhagwant Singh would apprise the Court that the petitioners have since joined investigation. That apart, it has also not been disputed that a settlement/compromise has been effected between the complainant and the accused.

Under such circumstances, custodial interrogation of the petitioners would not be warranted.

Accordingly, the present petition is allowed. Order dated 12.10.2015 passed by this Court is made absolute.

Disposed of.

08.02.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**