

203 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-6669-2022

Date of Decision: 21.04.2022

Mukhtiar Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohd. Yousaf, Advocate,
for the petitioner.

Mr. Navdeep Chhabra, DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.297, dated 20.10.2020, under Sections 307, 323, 427, 506, 148 and 149 of the IPC, registered at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioner has joined the investigation in terms of the order dated 28.02.2022, passed by this Court, which is as under:-

“CRM No. 7241 of 2022

Application is allowed, as prayed for.

CRM No. M-6669 of 2022

The present petition has been filed by the petitioner, who is the father-in-law of the complainant, under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 297 dated 20.10.2020, registered under Sections 307, 323, 427, 506, 148, 149 IPC at Police Station Sadar Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner submits that there was a dispute between the complainant and her husband i.e. son of the petitioner and though, the

parties have already compromised their dispute (in regard to which the said FIR was registered) in the Panchayat but, because of the said FIR, which was registered approximately one and half year ago, the petitioner apprehends his arrest. Learned counsel for the petitioner submits that the terms and conditions of the compromise are acceptable to the petitioner and the present dispute can be amicably settled and, therefore, as the petitioner is ready to join the investigation and cooperate, he may kindly be protected.

Notice of motion.

Mr. Sandeep Singh Deol, learned Deputy Advocate General, Punjab, who is present in Court, accepts notice on behalf of the respondent- State.

Learned State counsel submits that though in the present FIR, Sections 307 and 149 IPC have been invoked but as per the allegations, only a simple injury has been attributed to the petitioner and also that the investigating agency was also informed that there is a compromise, which has been effected between the parties due to which, the petitioner was not be arrested.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the present incident has arisen due to the matrimonial differences between the complainant and the son of the petitioner coupled with the fact that the parties have already entered into compromise thereafter and the petitioner is ready to amicably settle the matrimonial dispute between his son and the complainant, the purpose of investigation will be achieved in case, he is directed to join the investigation and co-operate, especially, when learned counsel for the petitioner has undertaken that even with regard to the recovery of the alleged weapon, the

petitioner will co-operate.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he 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 the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 21.04.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner

will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 28.02.2022 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

21.04.2022*Apurva***(HARSIMRAN SINGH SETHI)
JUDGE**

1. Whether speaking/reasoned : Yes
2. Whether reportable : No