

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

CRM-M-11862-2020

Date of decision : 21.04.2022

Munish @ Anish Kumar

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. J.S.Jaidka, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr.DAG., Punjab.

MANOJ BAJAJ, J.

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in case FIR No.208 dated 09.09.2018 under Sections 452, 323, 506, 148 and 149 Indian Penal Code, 1860 (Sections 3 and 4 Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on) registered at Police Station Meharban, District Ludhiana, who apprehends his arrest at the hands of Police.

On 09.12.2021, this Court had passed the following order:-

“Learned counsel has argued that the petition was filed in March, 2020, but before it could be taken up, the nation-wide lockdown was imposed to curb the Pandemic COVID-19. He submits that in respect of the alleged occurrence, both sides have got registered their cross cases against each other and now, the parties have amicably settled the dispute and a separate petition bearing No.CRM-M-3116-2020 for quashing of FIR is also pending.

Adjourned to 21.04.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim

bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation. He further states that the parties have settled the dispute.

On the other hand, learned State counsel assisted by ASI Harjit Singh submits that the petitioner has failed to comply with the directions issued by this Court on 09.12.2021 as he has not joined the investigation, however, it is not disputed that on the basis of compromise between the parties, petition for quashing of the FIR is pending adjudication before this Court.

After hearing learned counsel for the parties and considering the nature of offence as well as the fact that parties have amicably settled the dispute, this Court is not inclined to keep this petition pending only for the purposes of joining the investigation as the same would be a formality, therefore, the petition is allowed and it is directed that in the event of arrest of the petitioner by the Arresting Officer, he shall be released on bail subject to his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall join investigation as and when called for by the Investigating Officer and would abide by the conditions enshrined under Section 438(2) Cr.P.C. The above order shall not be construed as an opinion on the merits of the case.

It is also made clear that in case the petitioner does not join the investigation, it shall be open for the prosecution to seek recalling of this order, if so required.

(MANOJ BAJAJ)
JUDGE

21.04.2022
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No