

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 210

CRM-M-21644-2022

Date of decision : 23.08.2022

Dharma Singh

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM:    HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:    Mr.G.S.Sandhu, Advocate, for the petitioner.

Mr.Navneet Singh, Sr.DAG, Punjab.

None for respondent No.2.

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DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.125 dated 01.09.2021 registered under Sections 354-A, 354-B, 376, 511 and 451 IPC at Police Station Bahawala, District Fazilka.

On 19.05.2022 this Court had passed the following order: -

“Instant petition has been filed under Section 438 Cr.P.C praying for grant of anticipatory bail to the petitioner in case FIR No.125 dated 1.9.2021 under sections 354-A, 354-B, 376, 511, 451 I.P.C, registered at Police Station, Bahawala, District Fazilka.

Learned counsel for the petitioner has contended that the petitioner is an elderly person being 78 years of age and has been falsely implicated in the present FIR. It is submitted that the allegations in the FIR are false and frivolous. He submits that there were money transactions between both the parties and on account of the same rift cropped up between the parties and because of the misunderstanding present FIR has been lodged. Counsel submits that the matter has already been amicably resolved by both the parties and hence no case for custodial interrogation of the petitioner is made out.

Notice of motion.

On the asking of the Court, Mr. Rakeshinder Singh Sidhu, A.A.G., Punjab accepts notice on behalf of respondent No.1-State and Mr. Fatehjeet Singh, Advocate accepts notice on behalf of respondent no.2.

Learned counsel for respondents no.2 has endorsed the contentions raised by learned counsel for the petitioners and has not denied the factum of compromise effected between the parties.

Adjourned to 23.8.2022.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- (i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.
- (ii) That the petitioner 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 petitioner shall not leave India without prior permission of the court.”

Learned State counsel submits that in pursuance to the afore quoted order the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the above submissions made on behalf of the petitioner as recorded in the afore quoted order and the afore-referred statement made by learned State counsel, the order of this Court dated 19.05.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

23.08.2022  
shamsher

[DEEPAK SIBAL]  
JUDGE

|                           |   |          |
|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |