

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27746-2022 (O&M)
Date of Decision:-19.9.2022

Rajinder Singh @ Jashan and others ... Petitioners

Versus

State of Punjab and another ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gurvinder Singh Aulakh, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab
assisted by SI Major Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioners seek grant of anticipatory bail in respect of a case registered against them vide FIR No. 56 dated 1.4.2022 under Sections 452, 324, 323, 148, 149 IPC (later on Sections 458/120-B IPC added and Section 452 deleted) at Police Station Kotbhai, District Sri Muktsar Sahib.
2. At the time of issuance of notice of motion on 30.6.2022, the following order was passed :

“Learned counsel contends that the petitioners have been falsely implicated. It is submitted that there were 11 accused persons, who were named in the FIR and few unidentified persons. It is further submitted that with the intervention and the process of Court assisted mediation, a settlement dated 27.04.2022 in RC No.135 dated 26.04.2022 (Annexure P-3) came to be recorded before the Mediation and Conciliation Centre, Sri Muktsar Sahib. It is further

submitted that the said settlement categorically records that the complainant-Kulwinder Singh has candidly stated that he does not want to prosecute the persons named in the FIR and whatever the decision the Hon'ble Court would give in that regard on the basis of his settlement, he would have no objection to the same. Counsel further submits that name of the petitioners herein is specifically mentioned in the settlement (Annexure P-3). It is further submitted that three co-accused have been granted interim bail under Section 438 Cr.P.C. by the Court below, after recording of the aforesaid settlement and referring to the same. It is also submitted that another co-accused Baljinder Singh @ Gyani @ Baljinder Singh Rajpoot has also been granted interim bail by this Court vide order dated 24.06.2022 (Annexure P-5) passed in CRM-M-27354-2022.

On the oral request of learned counsel for the petitioners, complainant Kulwinder Singh @ Kinda, resident of village Kotbhai, Tehsil Gidderbaha, District Sri Muktsar Sahib (Punjab), is impleaded as respondent No.2. Amended memo of parties be filed in the Registry.

Notice of motion returnable for 22.08.2022.

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab, accepts notice on behalf of the respondent-State and seeks time to file the status report.

Investigating Officer is directed to file an affidavit with regard to if any other victim is there, who is not part of the mediation settlement (Annexure P-3), as well as to the veracity of the said settlement arrived at.

In the meanwhile, petitioners shall join the investigation and would come present as and when called and in the event of arrest, they shall be admitted to ad interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioners shall abide by the conditions specified in Section 438(2) Cr.P.C.

This order would not operate as a bar for the police to proceed with the investigation, as per law.”

3. Learned State counsel, upon instructions from SI Major Singh, has informed that although some compromise was effected amongst the parties before the Mediation and Conciliation Center, Muktsar but as of now the complainant does not wish to go ahead with the compromise. It has, however, been informed that pursuant to interim directions issued by this Court the petitioners have since joined investigation and are not required for any custodial interrogation. It has also been informed that the petitioners otherwise enjoy a clean record.
4. Having heard the learned counsel and bearing in mind the facts and circumstances of the case and also that the petitioners have already joined investigation and are not required for any custodial interrogation, the present petition is accepted and the interim directions issued by this Court vide order dated 30.6.2022 are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

19.9.2022

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No