

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-29497-2022
Date of decision : 16.08.2022

Jeevan Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Amit Dhawan, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Shantanu Sharma, Advocate
for respondent no.2.

VIKAS BAHL, J.(ORAL)

This is a second petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.161 dated 08.06.2022 registered under Section 379 IPC (Sectoin 411 IPC added later on) at Police Station Division no.8, Jalandhar.

On 13.07.2022, this Court was pleased to pass the following order:-

“Learned counsel for the petitioner inter alia contends that the present petition is the second anticipatory bail petition and has submitted that after withdrawal of the first anticipatory bail on 30.06.2022, the matter has been compromised with the complainant on 08.07.2022 and with respect to same, reference has been made to affidavit dated 08.07.2022 (Annexure P-3), as per which, it has specifically been stated by the complainant that he has no objection in case the present FIR is quashed. It is further submitted by the counsel for the petitioner that although, the second anticipatory bail application is not maintainable, except in

extremely exceptional circumstances, in the present case, after withdrawal of the first anticipatory bail application, the matter has been compromised to the satisfaction of the complainant, which would be one such extremely exceptional circumstance.

Notice of motion.

On advance notice, Mr. Sarabjit S. Cheema, AAG, Punjab, appears and accepts notice on behalf of the State/respondent No.1 and Mr. Prabhjot Singh, Advocate appears on behalf of respondent No.2 and has reiterated the fact that the matter has been compromised and has stated that affidavit dated 08.07.2022 (Annexure P-3) of the complainant has been given without any coercion or undue influence and has also prayed that the petitioner be granted the concession of anticipatory bail.

Adjourned to 16.08.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

13.07.2022”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Satpal, has submitted that the petitioner has joined investigation on 26.07.2022 and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 13.07.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 13.07.2022 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently

of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

August 16, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No