

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

201

CRM-M-37750-2022

Date of Decision : **October 27, 2022**

RESHAM SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

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

Mr. Teevar Sharma, AAG, Punjab.

HARSIMRAN SINGH SETHI. J. (Oral)

The petitioners are seeking anticipatory bail in FIR No. 68 dated 15.4.2020, under Sections 324, 323, 148, 149 IPC, 1860 (Sections 325 and 326 IPC added later on), registered at Police Station Sarai Amant Khan, District Tarn Taran.

Learned counsel for the petitioner contends that the petitioners have joined investigation in terms of order passed by this Court dated 25.8.2021. Order dated 25.8.2021 is as under:-

“Learned counsel for the petitioner submits that though the present is the second anticipatory bail in case FIR No.68 dated 15.04.2020 registered under Sections 324, 323, 148, 149 IPC, 1860 (Sections 325 and 326 IPC added later on) at Police Station Sarai Amant Khan, District Tarn Taran but keeping in view the facts and circumstances of the present case, the same is maintainable.

Learned counsel argues that after the dismissal of the first anticipatory bail the parties entered into a compromise so as to live peacefully and have filed a petition for quashing of the FIR on the basis of the said compromise and notice has been issued by a Coordinate Bench of this Court to get the statement of the accused as well as the complainant recorded so as to form the opinion whether the prayer for quashing is maintainable or not. Learned counsel submits that the petitioner is to appear before the Court for recording of his statement, and therefore, as the parties have already compromised their dispute, the petitioner be given the concession of anticipatory bail.

Notice of motion.

Mr. Inderpreet Singh Kang, learned Assistant Advocate General, Punjab, who is present in Court, accepts notice on behalf of respondent No.1-State and Mr. Jagjeet Singh, Advocate puts in appearance for the complainant and filed his memorandum of appearance on behalf of respondents No.2 to 4, which is taken on record.

Learned counsel for the respondents-State submits that he does not have any information about the compromise.

Learned counsel appearing on behalf of the complainant concedes the fact that the parties have compromised and a petition being CRM-M-19671-2022 has been filed for the quashing of the FIR on the basis of the compromise and further states that respondents No.2 to 4 have no objection if prayer of the petitioner is accepted.

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 parties have already compromised their dispute and the nature of allegations alleged in the FIR and the provisions of IPC invoked, no useful purpose will be achieved in sending the petitioner behind the bars as learned counsel for the petitioner has submitted that he is ready to join the investigation and co-operate with the same, hence, he has made out a case for the grant of anticipatory bail.

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 14.09.2022.

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, on instructions from ASI Sukhdev Singh, Police Station Sarai Amant Khan, District Tarn Taran states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required.

In view of the above, the order dated 25.8.2021 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

October 27, 2022

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