

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

CRM-M-47952 of 2021

Date of Decision:-24.1.2022

Chhminder Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Arun Sharma, Advocate
for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

(Proceedings conducted through video conferencing)

HARSIMRAN SINGH SETHI J.(Oral)

The petitioner is seeking anticipatory bail in FIR No.245 dated 6.10.2021, under Section 379 IPC, registered at Police Station Sadhaura, District Yamuna Nagar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court dated 16.11.2021. Order dated 16.11.2021 is read as under:-

“Present is the second petition filed under Section 438 Cr.P.C for the grant of anticipatory bail to the petitioner in respect of FIR No.245 dated 06.10.2021 registered under Section 379 of the Indian Penal Code, 1860 at Police Station Sadhaura, District Yamuna

Nagar.

Learned counsel for the petitioner submits that the parties have already compromised their dispute vide compromise deed dated 02.11.2021 (Annexure P-2) according to which, the complainant is not pressing the allegations against the petitioner and as the petitioner is ready to join the investigation and cooperate with the same, he may kindly be extended the benefit of anticipatory bail as nothing is to be recovered from the petitioner.

Notice of motion.

Mr. Karan Garg, learned Assistant Advocate General, Haryana, who is present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State and Mr. Ankit Aggarwal, Advocate, who is also present in the Court, keeping in view the service of advance copy of petition, accepts notice on behalf of respondent No.2-complainant.

Learned counsel for the respondent-State pleads ignorance about the said compromise but submits that the allegations against the petitioner are serious in nature, which require custodial interrogation.

Learned counsel appearing on behalf of respondent No.2- complainant concedes the factum of compromise between the parties and submits that the complainant is not pressing his allegations any further as the parties want to live peacefully.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the parties have already compromised their dispute and nothing is to be recovered from the petitioner, keeping in view the allegations alleged in the

FIR, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate with the same.

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 24.01.2022.

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, who has also joined the proceedings through video conference, on instructions from HC Balbir, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 16.11.2021 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 cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 24, 2022
Vijay Asija

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No