

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

Sr. No.203

CRM-M-49312 of 2021

Date of Decision: 24.02.2022

Prem Kumar

.... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present: Mr. Bhupinder Banga, Advocate
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

SANT PARKASH, J. (ORAL)

The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.231 dated 28.10.2021, registered under Sections 406 and 420 IPC at Police Station City Nawanshahar, District SBS Nagar, Punjab.

On 25.11.2021, this Court passed the following orders:-

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.231 dated 28.10.2021, registered under Sections 406 and 420 IPC at Police Station City Nawanshahar, District SBS Nagar, Punjab.

It is inter alia contended that the petitioner is more than 70 years old and has been falsely implicated in the said FIR. He wanted to settle the matter for all times to come and therefore, he entered into a settlement with the complainant vide compromise dated 27.05.2021 (Annexure P-2) and agreed to pay a total sum of Rs.1,25,000/-. It is further contended that despite the said compromise, the complainant did not accept the first installment of Rs.75,000/- which was due on 27.08.2021 and due date of second installment would fall on

27.11.2021. The petitioner is still ready and willing to pay the settlement amount of Rs.1,25,000/- in the Court itself or to the complainant.

Heard.

Notice of motion for 24.02.2022.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

Finding the request of the petitioner as genuine, it would be in the fitness of things if the concession of interim anticipatory bail is extended to him.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to 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;*
- (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 the previous permission of the Court.”*

Upon instructions from ASI Jaswinder Singh, learned State counsel submits that in compliance of the aforesaid orders, the petitioner has joined the investigation and his custodial interrogation is not required.

Having considered the facts and circumstances of the case, order dated 25.11.2021 passed by this Court is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C. and with the further direction that the petitioner shall deposit a demand draft before learned lower Court amounting to Rs.1,25,000/- in the name of the complainant, within a period of two weeks from the date of receipt of a copy of this order.

Accordingly, the petition stands disposed of.

**(SANT PARKASH)
JUDGE**

24.02.2022
Maninder

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