

201

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

CRM-M-49605-2021

Date of decision : 21.02.2022

Parminder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prateek Pandit, Advocate for the petitioner.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Barjinder Singh, Advocate for the complainant.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.322 dated 30.10.2021 registered under Section 420 of the Indian Penal Code, 1860 at Police Station City, Kapurthala, District Kapurthala.

On 26.11.2021, a Coordinate Bench of this Court was pleased to pass the following order:-

“Submits, inter alia, that the matter has been amicably compromised between the complainant and the petitioner, in support of which a copy of the document of compromise (Annexure P-2) along with Affidavit of the complainant (Annexure P-3) have been put on record.

2. *Notice of motion.*
3. *Mr. R.S. Khaira, AAG, Punjab, to accept notice on behalf of the State.*
4. *At this stage, Mr. Barjinder Singh, Advocate, appears through Video Conferencing on behalf of the complainant and undertakes to file his Power of Attorney on the next date of hearing.*
5. *Let requisite number of copies of the Paper-book be supplied to both the Counsel.*
6. *To come up on 21.02.2022.*
7. *Meanwhile, in the event of arrest of the applicant/petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-*

I That he shall make himself available for interrogation by a 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 such facts to the Court or to any Police Officer and;

III That he shall not leave India without prior permission of the Court.

26.11.2021

Sd/- (SUDIP AHLUWALIA)

JUDGE ”

Learned counsel for the petitioner and complainant have submitted that in pursuance of the abovesaid order dated 26.11.2021, the petitioner has joined the investigation and the present matter has been compromised and a petition under Section 482 of Cr.P.C. for quashing of

FIR on the basis of compromise i.e. CRM-M-49552-2021 has been filed which is pending for 02.03.2022.

Learned counsel for the State, on instructions from ASI Ashok Kumar, has submitted that the petitioner has joined the investigation and is not required for any further custodial interrogation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 26.11.2021 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation and the fact that the compromise has been effected between the parties and petition under Section 482 of Cr.P.C. for quashing of FIR on the basis of compromise i.e. CRM-M-49552-2021 has been filed which is pending for 02.03.2022, the present petition is allowed and the interim order dated 26.11.2021 is ordered to be made absolute.

However, 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 application.

21.02.2022*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:- Yes/No****Whether reportable:- Yes/No**