

2023:PHHC:077227
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

201

CRM-M-662-2023 (O&M)
Date of decision: 26.05.2023

Jasveer Singh and Another
....Petitioners

Versus

State of Punjab
...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. K.S. Brar, Advocate for the petitioners

Mr. Manipal Singh Atwal, DAG Punjab

Mr. K.B.S. Mann, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 09.01.2023 and 21.03.2023, this Court had passed the following order:-

09.01.2023

The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.179 dated 19.12.2022, registered under Sections 447, 427, 379, 34 of the IPC at Police Station Nehianwala, District Bathinda.

Learned counsel contends that the petitioner has been falsely implicated in the case as there is a land dispute between him and the complainant, which is also admitted by the complainant in the FIR, wherein, in the suit filed by the petitioner, initially interim stay was granted in his favour, however, the same was modified vide order dated 07.07.2018 to status quo. He further submits that the present FIR is a counter-blast to the FIR No.74 dated 24.08.2019 lodged against the complainant.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State.

Mr. KBS Mann, Advocate appears on behalf of the complainant and submits that the complainant is in possession of the land in question and that previously also the petitioner had also committed this act in the year 2018 and that in the FIR No.74 dated 24.08.2019 the petitioner has been kept in column

No.2.

However, learned counsel for the parties are *ad idem* that there is a possibility of an amicable settlement between the parties, for which they pray that

the matter be referred to the Mediation and Conciliation Centre of this Court.

Prayer is accepted.

Parties are directed to appear before the Mediation and Conciliation Centre of this Court on 16.01.2023.

Adjourned to 20.03.2023.

Report of the Mediator be filed on or before the next date of hearing.

For the purpose of facilitating the mediation proceedings, the arrest of the petitioner is stayed only till the next date of hearing.

21.03.2023

“Learned counsel submits that the petitioners are ready to compensate the complainant for the loss that has been caused on account of spraying on the wheat crop with an amount of Rs.25,000/-. They are ready and willing to join investigation as and when required by the investigating agency.

The petitioners are directed to join the investigation on or before 28.03.2023. In the event of arrest of the petitioners, they shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioners do not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 26.04.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned orders, petitioner No.1 has not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner No.1 to appear, he shall make himself available without demur.

3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner No.1 and cooperating with the investigating agency. He also submits that at this stage, the petitioner No.1 is not required for further custodial interrogation.

4. In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner No.1 is allowed and the order dated 21.03.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

5. However, it is made clear that if the petitioner No.1 fails to join and cooperate with the investigating agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

May 26, 2023
M.Kamra

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