

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2564-2023 (O&M)
Date of Decision : 12.09.2023

Pankaj Goyal

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kanwaljit Singh, Sr. Advocate with
Mr. Yogender Verma, Advocate for the petitioner.

Mr. M.S.Tiwana, AAG Punjab.

Mr. C.M. Munjal, Advocate for the complainant.

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ALKA SARIN, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in GDR No.004 dated 12.08.2022 under Sections 323/341/506/34/307 (added later on) of the Indian Penal Code, 1860 (IPC) which is cross-version of FIR No.211 dated 11.08.2022 registered under Sections 323, 324, 354, 452, 427, 506, 148, 149, 307 (added later on) IPC at Police Station Patran, Patiala.

2. On 18.01.2023 the following order was passed :

“Prayer is for grant of anticipatory bail in GD No.004 dated 12.08.2022 under Sections 323, 341, 506, 34 and 307 (added later on) IPC which is cross-version of FIR No.211 dated 11.08.2022 under Sections 323, 324, 354, 452, 427, 506, 148, 149, 307 (added later on) IPC, registered at Police Station Patran Patiala.

Learned counsel for the petitioner has submitted that it is a case of cross-version as the incident took place in his shop on 10.08.2022 and an FIR No.211 was duly registered on 11.08.2022 against complainant and others. He further submitted that the accused in his FIR No. 211 dated 11.08.2022 got a cross-version recorded on the strength of a medical report from a private hospital on 12.8.2022 at 00.17hrs., which shows that the police should have arrested the complainant instead of recording his cross-version. He further submitted that in fact, the complainant in his FIR has been granted the concession, whereby, it has been ordered that no coercive action shall be taken against the said accused till the next date vide order dated 19.12.2022 in CRM-M-59209-2022.

Learned counsel for the petitioner has also taken this Court to the civil suit filed for partition and

separate possession, between the immediate relative of the parties.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of the State and Mr. C.M. Munjal, Advocate accepts notice on behalf of the complainant and has opposed the bail.

Apparently, it seems that it is a case of version and cross-version by the parties, who are cousin brothers and there seems to be some disputes with regard to the adjoining shops running the same business.

In the light of the above, the petitioner shall join investigation on 24.01.2023 at 11:00A.M. before the Investigating Officer and cooperate with the Investigating Agency even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

At this stage, learned counsel for the complainant has submitted that since the matter is between the

relatives, an effort can be made to amicably resolve the matter by sending the parties to the Mediation Centre.

Learned Senior counsel for the petitioner does not oppose the said request made by learned counsel for the complainant.

Accordingly, the parties are directed to appear before the Mediation and Conciliation Centre of this Court on 27.01.2023 after the petitioner join the investigation.

Report be awaited.

To be listed along with CRM-M-59209 of 2022 on 09.02.2023.”

3. Learned counsel would contend that pursuant to the order dated 18.01.2023 the petitioner has since joined investigation and has fully cooperated. Learned counsel further contends that the parties, who are cousins, have now settled the matter and entered into a compromise.

4. Learned counsel for the State, on instructions from ASI Teja Singh, has stated that the petitioner has since joined investigation and is fully co-operating and that he is no longer required for further custodial interrogation as of now.

5. Mr. C.M. Munjal, Advocate, who is appearing on behalf of the complainant, states that the complainant would have no objection if the order dated 18.01.2023 is made absolute.

6. In view of the above, the order dated 18.01.2023 is made absolute. The petitioner shall, however, join investigation as and when called for. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.
7. Disposed off accordingly. Pending applications, if any, also stand disposed off.

September 12, 2023
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO