

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-7184-2023 (O&M)

Date of decision: 28.03.2023

PARMOD KUMAR ALIAS MAHAJAN

....Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Manoj Tanwar, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG Haryana.

Mr. Anil Kumar, Advocate
for respondent No.2.

AMAN CHAUDHARY. J.

This is the 2nd petition filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.345 dated 20.09.2022, registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Sadar Mohindergarh, District Mohindergarh, Haryana on the basis of compromise dated 21.01.2023, Annexure P-2.

On 10.02.2023, this Court had passed the following order:-

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.345 dated 20.09.2022, registered under Sections 420, 467, 468, 471, 120-B IPC at Police Station Sadar Mohindergarh, District Mohindergarh, Haryana.

Learned counsel contends that the allegations against the petitioner are that he introduced the complainant to co-accused Ravinder alias Doctor and has no other role that has been assigned. He submits that in fact the FIR has been lodged due to some misunderstanding which stands cleared now as the parties have entered into a compromise dated 20.01.2023 Annexure P-3 on the basis of which a petition for quashing of the FIR has been also

preferred wherein this Court vide order dated 02.02.2023 has directed the parties for recording of statements. He further submits that the petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Tanuj Sharma, AAG Haryana accepts notice on behalf of respondent-State and Mr. Anil Kumar, Advocate accepts notice on behalf of respondent No.2 and affirms the factum of the compromise having been arrived at as stated by learned counsel for the petitioner and he has instructions from his clients to state that he has no objection in case the anticipatory bail is granted to the petitioner.

Meanwhile, the petitioner is directed to join the investigation on or before 16.02.2023. In the event of arrest of the petitioner, he 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 petitioner does 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 28.03.2023.

Learned counsel for the petitioner submits that in pursuance of order dated 10.02.2023, of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 10.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation 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

March 28, 2023

M.Kamra

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