

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-12980-2022

Date of Decision:28.02.2023

SUMIT KHURAL

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Gurinder Singh, Advocate for the petitioner.

Mr. Amish Sharma, AAG, Punjab
assisted by ASI Sandeep Kumar.

Mr. Kumar Vishal Aggarwal, Advocate for respondent No.2.

JAGMOHAN BANSAL, J. (Oral)

On 22.09.2022 following order was passed:

“CRM-18521-2022

Application is allowed as prayed for. Recovery memo of articles dated 09.05.2022 is taken on record as Annexure P-6.

CRM-M-12980-2022

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.0035 dated 04.03.2022, under Sections 406 and 498-A, IPC, registered at Police Station Phase 11, SAS Nagar, Mohali, Annexure P-1.

Report has been received from the Mediation and Conciliation Centre of this Court. Mediation proceedings have remained unsuccessful. Counsel for the petitioner submits that entire recovery has been effected.

Upon instructions from ASI, Sandeep Kumar, State counsel has confirmed this fact.

After hearing counsel for the parties, this Court is of the view that possibility of compromise still exists and another attempt deserves to be made for the settlement of dispute.

Accordingly, parties are directed to appear before the Mediation and Conciliation Centre of this Court on 29.09.2022 at 10.00 A.M.

List on 28.02.2023 to await report of the learned Mediator.

In the meanwhile, the petitioner shall appear before the Investigating Officer at Police Station Phase 11, SAS Nagar, Mohali on 28.09.2022 at 10.00 A.M. and join the investigation and appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the parties are *ad idem* that the matter stands compromised and they have filed petition under Section 482 Cr.P.C. before this Court, seeking quashing of FIR on the basis of compromise.

Learned State counsel submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim protection granted to the petitioner vide order dated 22.09.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make

any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

28.02.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>