

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

208

CRM-M-15543-2023 (O&M)

Date of decision: 25.07.2023

Mohan Lal

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Jaswinder Singh Grewal, Advocate for the petitioner.

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J.

1. On 27.03.2023, 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.142 dated 31.08.2018 registered under Sections 420 IPC, registered at Police Station City-1, Abohar, District Fazilka.

Learned counsel submits that as per the allegation there is dispute regarding agreement to sell and a token amount has been taken by the petitioner from the complainant. However, the sale deed was not executed by the petitioner. He further submits that the matter was civil in nature, however, FIR was got lodged. Now, there is a compromise that has been arrived at between the parties on 02.03.2023 (Annexure P-2).

He further submits that a petition bearing No. CRM-M-13458- 2023 has also been filed for quashing of the FIR by way of compromise wherein direction has been issued to the parties for getting the statements recorded vide order dated 17.03.2023 i.e. Annexure P-3 and the case is pending for 30.05.2023. He further contends 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. Manipal Singh Atwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

Mr. Piyush Sharma, Advocate accepts notice on behalf of respondent Nos.2 and 3 and affirms the factum of compromise having been arrived at between the parties and has no objection in case the petitioner is granted interim anticipatory bail.

Meanwhile, the petitioner is directed to join the investigation on or before 03.04.2023. 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 30.05.2023.”

2. Learned counsel submits that in pursuance of the aforementioned order, the petitioner 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 to appear, he shall make himself available without demur.

3. Learned State counsel on instructions from ASI Paramjeet Singh affirms the factum of joining the investigation by the petitioner and cooperating with the investigating agency. He also submits that at this stage, the petitioner 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 is allowed and the order dated 27.03.2023 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 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.

25.07.2023
ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No