

2023:PHHC:083893

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

207

CRM-M-19576-2023 (O&M)
Date of decision: 04.07.2023

Karam Chand and Others

....Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Kuldeep Singh Saini, Advocate for the petitioners

AMAN CHAUDHARY. J.

1. On 20.04.2023, 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 petitioners in case FIR No.11 dated 28.01.2023, registered under Sections 323, 324, 341, 506, 148 and 149 of IPC (Section 325, 326 IPC added later on) at Police Station Mullanpur, District SAS Nagar.

Learned counsel contends that it is a case of version and crossversion and the dispute arose on account of waste water flowing in front of the house of the petitioners. Petitioner No.1, who is 30% disabled got 5 stitches on his head on account of injuries received, while petitioner No.3 got 8 stitches on his head at the hands of the complainant party. A DDR No.42 dated 08.04.2023 in this regard has also been recorded. Petitioner No.1 and 3 are not involved in any other case, however, there is one FIR under Sections 323, 506 IPC against petitioner No.2, in which he is on bail. They are ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. IPS Sabharwal, DAG Punjab accepts notice on behalf of respondent-State.

Meanwhile, the petitioners are directed to join the investigation on or before 26.04.2023. 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 30.05.2023.”

2. Learned counsel submits that in pursuance of the afore-mentioned order, the petitioners have not only joined investigation but also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioners to appear, they shall make themselves available without demur. In the meantime, a compromise has been effected between the parties, leading to filing of CRM-M-29635-2023 for quashing of the FIR by way of compromise, wherein as per order dated 04.07.2023, the parties have been directed to record their statements in view of compromise.
3. Learned State counsel on instructions affirms the factum of joining the investigation by the petitioners and cooperating with the investigating agency. He also submits that at this stage, the petitioners are 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 petitioners is allowed and the order dated 20.04.2023 granting interim bail to them, 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 petitioners fail 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 them.

(AMAN CHAUDHARY)
JUDGE

July 04, 2023
M.Kamra

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