

209 (1st case)

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

**CRM-M-23033-2023 (O&M)
Date of decision : 25.07.2023**

Aman Thakral

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Shalender Mohan, Advocate for the petitioner.

Mr. Kiran Pal Singh, DAG, Haryana for respondent No.1.

Mr. Naveen Dahiya, Advocate for respondent No.2.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.184 dated 21.03.2023, under Sections 324, 506, 34 of the Indian Penal Code, 1860 (*for short 'the IPC'*) [Section 307, IPC added later on], registered at Police Station City Hansi, District Hisar.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Sanju @ Sushil to the effect that on

20.03.2023 at about 08:40 PM, petitioner along with his co-accused Mannu Sachdeva reached at Guru Nanak Cold Store, where complainant was working. Co-accused Mannu Sachdeva demanded the amount of Rs.20,000/- from complainant, which he borrowed @ 10% about 1 ½ years ago. Thereafter, an altercation had taken place and co-accused Mannu Sachdeva inflicted knife blow in his stomach and left arm. When complainant raised alarm, both the accused fled away from the spot along with knife while extending threat to eliminate him in future.

(3) The Coordinate Bench, vide common order dated 08.05.2023, granted interim bail to petitioner as well as co-accused, namely, Mannu Sachdeva and the same reads as under:-

“The petitioners have filed the present petitions under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.184 dated 21.03.2023 registered under Sections 324, 506 and 34 of the Indian Penal Code, 1860 (to which Section 307 was added later on) at Police Station City Hansi, District Hansi.

Learned counsel for the petitioners contends that the petitioners have been falsely implicated in the present case. There is a money dispute between the complainant and petitioner- Mannu Sachdeva and in order to grab the money, the complainant got registered false case against the petitioners. Even otherwise, the matter has been compromised between the parties and petition bearing No.CRM-M23057-2023 for quashing of present FIR on the basis of compromise has also been filed before this Court. Nothing is to be recovered from the petitioners and their custodial interrogation is not required in the case. The petitioners are already ready and willing to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Munish Sharma, D.A.G., Haryana, who is present in the Court, accepts notice on behalf of the respondent-State and seeks time to file reply.

At this stage, Mr. Naveen Dahiya, Advocate has put in appearance on before of respondent No.2/complainant and filed his power of attorney which is taken on record.

Learned counsel for respondent No.2/complainant admits the factum of compromise and submits that respondent No.2/complainant has no objection if the petitioners are released on interim anticipatory bail.

Adjourned to 25.07.2023.

In the meanwhile, the petitioners are directed to join the investigation and appear before the Investigating Officer within 10 days from today and on their doing so, the petitioners shall be released on interim anticipatory bail subject to their furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall also abide by the conditions as specified under Section 438(2) of the Cr.P.C. A photocopy of this order be placed on the file of other connected case.”

(4) Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required. Also submits that even the matter has been compromised by the parties at their own level.

(5) The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Rajesh Kumar and further stated that custodial interrogation of the petitioner is not required at this stage.

(6) Learned Counsel for respondent No.2/complainant also, upon instructions, did not raise any objection in case the interim order is made absolute.

- (7) In view of above, interim order dated 08.05.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (8) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (9) The above observations may not be construed as an expression of opinion on merits of the case as well as legality and validity of the compromise, if any, entered between the parties i.e. petitioner as well as respondent No.2; rather confined only to decide the present bail matter.
- (10) Disposed off accordingly.

July 25th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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