

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

**CRM-M No. 23560 of 2023
Date of decision : 14.12.2023**

Sukhnoor Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr.G.P.S.Bal, Advocate for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

Ms.Jigyasa Tanwar, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

1 On 10.05.2023 the following order was passed:-

Instant petition has been filed under Section 438 Cr.P.C.praying for grant of anticipatory bail to the petitioner in case FIR No.20, dated 02.02.2023, under Sections 341, 506, 447, 511, 441, 380, 148, 149 IPC, registered at Police Station Mataur, District SAS Nagar.

It has been contended by counsel for the petitioner that the alleged dispute is between the family members. It has been submitted that the complainant is the uncle (chacha) of the petitioner, who is residing in Australia. It is submitted that dispute is regarding ancestral property. He submits that other issues are also pending between the parties. It is submitted that petitioner is young boy of 20 years of age, who is the nephew of the complainant and he has been implicated in this case only in order to settle the property dispute between the parties. He

submits that petitioner has no criminal antecedents. He has also submitted that petitioner was granted interim anticipatory bail by learned Additional Sessions Judge, SAS Nagar, however, the same was later on rejected on the ground that recovery has not been effected.

Issue notice of motion.

On asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Ms.Jigyasa Tanwar, Advocate, who is present in Court, puts in appearance on behalf of the complainant and has opposed the submissions made by counsel for the petitioner. She has submitted that though there are specific allegations made by the complainant as house-hold articles have been stolen, however, she fairly submits that dispute being a family dispute, the same may be referred to Mediation Centre for exploring the possibility of amicable settlement.

Counsel for the petitioner agrees to the same.

As both the parties are ad idem, let they appear before the Mediation and Conciliation Centre of this Court on 18.05.2023 at 11.00 a.m. to explore the possibility of amicable settlement of the dispute.

Adjourned to 03.08.2023.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C.:-

“(i) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so;

(ii) That the petitioner shall not directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such

facts to the Court or to any police officer;

(iii) That the petitioner shall not leave India without prior permission of the Court.”

State is directed to file status report on or before the next date of hearing.

2 Learned State counsel on instructions from Inspector Navpreet Kaur has stated that pursuant to the order dated 10.05.2023 the petitioner has joined investigation and is no longer required for custodial interrogation.

3 In view of above, the interim order dated 10.05.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5 This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

6 The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.

7 It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a

view to influence outcome of the investigation or trial.

8 Petition stands disposed off.

9 Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

14.12.2023
raman

Whether speaking/reasoned	Yes/No
Whether speaking/reasoned	Yes/No