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

**CRM-M-23917-2023
Date of decision : 16.10.2023**

PANKAJ SHARMA AND ANR

....Petitioner

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Satish Sharma, Advocate &
Ms. Mumtaz Ahmad, Advocate for the petitioners.

Mr. A.K. Sehrawat, DAG, Haryana.

Mr. Nitin Thatai, Advocate for the complainant.

PANKAJ JAIN, J. (ORAL)

On 7th of August, 2023, the following order was passed :-

“On 11.05.2023 the following order was passed :-

Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioners in case FIR No.33, dated 04.02.2023, under Sections 120B, 419, 420, 467, 468 and 471 IPC, registered at Police Station Civil Lines, Gurugram, Annexure P-1.

It has been contended by counsel for the petitioners that similarly situated co-accused have already been granted interim anticipatory bail by this Court vide order dated 12.04.2023 passed in CRM-M-Nos.11706 and 11709 of 2023 and the same are pending for 07.08.2023.

Notice of motion.

On asking of the Court, Mr.B.S.Virk, DAG,

Haryana, who is present in Court, accepts notice on behalf of the respondent/State and Mr.Nitin Thatai, Advocate, who is present in Court, puts in appearance on behalf of the complainant and has affirmed the submissions made by counsel for the petitioners. He has further submitted that the parties have also arrived at a compromise and a petition bearing CRM-M-22007-2023 for quashing of above-mentioned FIR on the basis of compromise is already pending adjudication before this Court.

Adjourned to 07.08.2023.

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

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

(ii) That the petitioners 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 petitioners 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.

Learned State counsel submits that the petitioners have not joined the investigation till today.

Learned counsel for the petitioners submits that the petitioners are ready to join the investigation.

Adjourned to **18.09.2023.**

The petitioners are again directed to appear before the

investigating officer on 08.08.2023 (at 11.00 AM) and on any other date as and when their presence is required. On their appearance the I.O. shall release them on bail to his satisfaction subject to the conditions as envisaged under Section 438 (2) Cr.P.C. In case the petitioners do not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.”

2. Today, Ld. State Counsel on instructions from P/SI Abhishek Singh submits that the petitioners have already joined investigation and are no more required for custodial interrogation.

3. Apart therefrom counsels for the parties i.e. the petitioners as well as complainant are ad idem that the matter already stands compromised.

4. Without commenting on the merits of the case and in view of the aforesaid fact, order dated 7th of August, 2023 is made absolute, subject to the conditions as enumerated under Sections 438(2) Cr.P.C.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioners 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.

6. 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 petitioners.

7. The petitioners shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act in regard to a discovery of facts

made in pursuance of information supplied by the petitioners in case the occasion arises.

8. 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.

9. Petition stands disposed off accordingly.

October 16, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No