

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

206

CRM-M-40912-2022 (O&M)

Date of decision: 03.05.2023

MOHAN LAL AND ANOTHER

....Petitioners

Versus

STATE OF HARYANA

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Dr. Naresh Kaushik, Advocate for the petitioners

Mr. Dhruv Sihag, AAG Haryana

Mr. Abhilaksh Grover, Advocate for the complainant

AMAN CHAUDHARY. J.

1. On 08.09.2022, 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. 0230 dated 22.7.2022, registered under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code at Police Station City Pehowa, District Kuruksehtra.

Learned counsel for the petitioners states that there is no specific allegation against the petitioners in the FIR. He further submits that the co-accused Mukhtyar Singh has already been granted interim bail by this Court vide order dated 18.8.2022 passed in CRM-M-36502-2022. He further states that the dispute is *inter se* the real brothers and there is a possibility of an amicable settlement between the parties. The petitioners are ready and willing to join the investigation as and when called for and cooperate with the investigating agency.

Notice of motion for 22.11.2022.

At the asking of the Court Mr. Gaurav Bansal, AAG, Haryana accepts notice on behalf of the respondent-State.

Mr.Gaurav Dutta, Advocate puts in appearance on behalf of the complainant. He also prays for referring the matter to the Mediation and Conciliation Centre of this Court.

In view of the above, both the parties are directed to

appear before the Mediation and Conciliation Centre of this Court on 19.9.2022.

Meanwhile, the petitioners are directed to join the investigation on or before 19.9.2022. 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 of conditions under Section 438(2) Cr.P.C.”

2. On 21.03.2023, this Court had passed the following order:-

“Dr. Naresh Kaushik, Advocate appears for the petitioners and prays for time as he has been recently engaged in this matter.

Learned State counsel on instructions from SI Pardeep Kumar submits that the petitioners are not cooperating with the investigating agency.

Faced with this, learned counsel for the petitioners submits that they are ready and willing to joining investigation once again and shall cooperate with the investigating agency.

The petitioners are directed to join the investigation on or before 28.03.2023. 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 19.04.2023.

A photocopy of this order be placed on the files of connected cases.”

3. Learned counsel submits that in pursuance of the aforesaid orders, 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.

4. Learned State counsel on instructions from SI Raj Kumar affirms the factum of joining the investigation by the petitioners and cooperating with the investigation agency. He also submits that at this stage, the petitioners are not required for further custodial interrogation.

5. 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 orders dated 08.09.2022 and 21.03.2023 granting interim bail to them, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr.P.C.

6. However, it is made clear that if the petitioners fail to join and cooperate with the investigation 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

03.05.2023

S.Sharma(syr)

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No