

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CRM No. M-45280 of 2021
Date of Decision : 13.07.2023

Rahul Gupta

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Chetan Bansal, Advocate for
Mr. Manish Verma, Advocate for the petitioner.

Mr. Jaswinder Singh Arora, Deputy Advocate General,
Punjab.

Mr. Sanjeev Manrai, Senior Advocate with
Mr. Rohit Bhardwaj, Advocate for the complainant.

Harsimran Singh Sethi, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No. 133 dated 12.10.2021, registered under Sections 353, 186 and 34 IPC at Police Station Navi Baradari, District Jalandhar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by a Co-ordinate Bench of this Court dated 28.02.2023. Order dated 28.02.2023 is as under:-

“CRM-30923-2022

Allowed as prayed for subject to all just exceptions.

Main Cases

As per the report received from the Mediator, the parties failed to settle the dispute in an amicable manner.

The counsel for the petitioner(s) submits that there was

no order or direction to the petitioner to join the investigation and the only order which is in their favour is that no coercive steps are to be taken against them.

The counsel for the petitioner submits that there is also counter complaint filed by the petitioner against the complainant and the same is pending in the Court of Judicial Magistrate Ist Class at Jalandhar. The counsel further submits that in the said criminal complaint summoning order has been passed against the complainant but he is not appearing in the Court concerned.

In view of the fact that there are allegations and counter allegations from both the sides, in case of arrest, the petitioners are directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioners should join investigation with the police well in time before the next date of hearing and to abide by the conditions envisaged under Section 438 (2) Cr.P.C. The petitioner should join investigation with the police on 20.3.2023 and 11.4.2023.

The report of the Investigating Officer be also called in this context on the next date of hearing.

*Now be listed on **4.7.2023**.*

Photocopy of this order be placed on the connected file.”

Learned State counsel, on instructions from SI Sukhchain Singh states that in terms of the order dated 28.02.2023 reproduced hereinbefore, the petitioner has joined the investigation and no further interrogation is required.

In view of the above, the order dated 28.02.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join and cooperate in investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands allowed in above terms.

July 13, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? *Yes/No*

Whether reportable? *Yes/No*