

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-43390-2023

Date of Decision:15.11.2023

Harjinder Kumar and Others

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Raman Singla, Advocate
for the petitioners.

Mr. Randeep Singh Khaira, DAG, Punjab
assisted by ASI Satwinder Singh.

DEEPAK GUPTA, J.(ORAL)

On 01.09.2023, following order was passed:

“Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in cross version General Diary/Rapat No.19 dated 28.05.2023 for the offence under Sections 326, 324, 323, 148, 149 of the IPC in case FIR No.38 of 24.05.2023 registered at Police Station Sadar Kapurthala, District Kapurthala.

It is contended by learned counsel for the petitioner that FIR No.38/2023 was registered on the complaint of the petitioner party. However, the accused party lodged the cross-version by way of General Diary/Rapat No.19 dated 28.05.2023. Later on, compromise has been effected amongst the parties, copy of which is Annexure P-3. Both the parties have filed separate petitions before this High Court seeking quashing of the FIR as well as the cross-version contained in the General Diary Report and the parties have been asked to appear before the Trial Court for getting their statement recorded by this Court. Copies of the orders dated 26.07.2023 passed in CRM-M-35867-2023 and order dated 31.07.2023 passed in CRM-M-36601-2023 (O&M) have been placed on record as Annexure P-4 & Annexure P-5.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of respondent- State.

Adjourned to 15.11.2023.

In the meantime, in case of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Today learned State counsel, on instructions from ASI Satwinder Singh, submits that petitioners have since joined the investigation and are not required for custodial interrogation.

Having regard to the aforesaid facts and circumstances, but without commenting anything further on the merits of the case order dated 01.09.2023 is hereby made absolute, whereby petitioners were granted interim anticipatory bail in cross version General Diary/Rapat No.19 dated 28.05.2023 for the offence under Sections 326, 324, 323, 148, 149 of the IPC in case FIR No.38 of 24.05.2023 registered at Police Station Sadar Kapurthala, District Kapurthala.

However, the petitioners shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

(DEEPAK GUPTA)
JUDGE

November 15, 2023

Neetika Tuteja

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No