

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

Sr. No. 204 (1)

CRM-M No. 45761 of 2019 (O&M)
Date of decision : 18.04.2023

Alamjit Singh Mann

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. S. S. Saron, Advocate for the petitioner.
Mr. J. S. Mehndiratta, Addl. A. G., Punjab.
Mr. A.D.S. Jattana, Advocate for respondent No.2.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 105 dated 08.04.2019 registered under Sections 420 and 120-B IPC at Police Station Zirakpur, District SAS Nagar.

On 24.10.2019, this Court had passed the following order : -

“Notice of motion be issued to the respondent.

On the asking of the Court, Mr. B.S. Sewak, learned Addl. Advocate General, Punjab, accepts notice on behalf of the respondent State.

Two copies of the petition be handed over to him immediately.

Adjourned to 19.11.2019.

Learned State counsel would take instructions from the quarter concerned as to whether the petitioners' custodial interrogation is required or not at present. In

the meanwhile, till the next date of hearing before this court, upon the petitioner joining investigation, in case he is sought to be arrested, he would be admitted to interim bail, on his furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. He shall abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, he would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join him in investigation.

Upon the petitioner joining investigation, he shall deposit his passport with the investigating agency.

It is made clear that this order has been passed only as an interim measure, looking at the fact that the FIRs registered by one party against the other, have been ordered to be clubbed together for a “consolidated investigation” by the DGP, though learned counsel for the complainant contends that the DGP in fact is in contempt of the orders of this court dated 05.07.2019 and 17.07.2019, whereby the SSP, Mohali, had been directed to ensure that a fair investigation be concluded at the earliest, as regards registration of FIR no.105 dated 08.04.2019.

Learned counsel for the complainant has also submitted that the allegation against the petitioner is to the effect that he has forged an agreement (which learned Senior Counsel appearing for the petitioner submits is an agreement of sale entered between the parties, learned counsel for the complainant submitting that it is shown to be an agreement of “full and final payment”).

Learned Senior Counsel appearing for the petitioner further submits that there is no allegation of any offence committed as is punishable under Sections 467, 478 and 471 of the IPC, the allegation only being with regard to an offence punishable under Section 420 of the IPC.

A copy of this order be given to the learned State counsel under signatures of the Reader of the Bench.”

Learned State counsel submits that under the afore quoted interim order the petitioner has joined and cooperated with the investigation as also that the matter between the petitioner and the complainant stands compromised.

In the light of the reasons recorded in the afore quoted order and because the petitioner has shown his *bona fides* by joining the investigation as also for the reason that the dispute which is the subject matter of the FIR in question stands settled between the petitioner and the complainant, subject to the petitioner abiding by the conditions provided under Section 438 (2) Cr.P.C., the order of this Court dated 24.10.2019 granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

Since it is the admitted position that the petitioner and the complainant have settled their dispute which was the subject matter of the FIR in question, the Investigating Officer is directed to release the petitioner's passport.

18.04.2023*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No