



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-7554-2024
Date of decision: May 14th, 2024

Sanjay

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lakshman Sharma, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, Assistant Advocate General,
Haryana.

Mr. G.S. Duhan, Advocate
for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.1009 dated 15.12.2023 under Sections 384 and 506 of the Indian Penal Code, 1860, registered at Police Station Assandh, District Karnal

2. Vide order dated 13.02.2024 the petitioner had been granted interim anticipatory bail with direction to join investigation and the relevant part of the said order reads as under:-

“Learned counsel for the petitioner inter alia contends that on a bare perusal of the allegations levelled in the FIR, essential ingredients to attract the mischief of Section 384 of the IPC are not even made out as it has not been alleged therein that any amount of money was ever demanded from the complainant by the petitioner nor any threat of injury extended to him by the petitioner. It has been further submitted that in

fact there was a money dispute pending between the parties, who are admittedly neighbours, and it was in the aforementioned background a false and fabricated narrative had been introduced in the FIR in question. Learned counsel has further submitted that the malafides on the part of the complainant are also discernible from the fact that the allegations pertained to the year 2018 and for as many as five years the complainant chose to sit quiet and it was only as recently as on 15.12.2023 that the FIR in question was lodged against the petitioner; allegedly the petitioner had been extending threats through phone numbers, however, the FIR in question was completely silent with respect to any phone number from which the alleged threats were extended to the complainant.”

3. Learned counsel for the petitioner submits that in compliance of order dated 13.02.2024, wherein the petitioner had been directed to join investigation in the following terms, he has joined investigation and cooperated with the investigating agency:-

“Meanwhile, the petitioner is directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of his arrest, he shall be admitted to interim bail on his furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C.”

4. It has also been submitted that in the interregnum, the parties have arrived at an amicable settlement, which fact has not been disputed by the learned counsel for the complainant.

5. Learned counsel for the complainant has also submitted that he would, in the aforementioned circumstances, not oppose the prayer

concession of anticipatory bail.

6. Learned State counsel, on instructions, has not disputed the factum of the petitioner having joined investigation, however, she has feigned ignorance about the compromise so affected between the parties.

7. In view of the above, the petition is allowed and interim order dated 13.02.2024, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

May 14th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No