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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11174-2023 (O&M)
Date of Decision: 07.03.2024

ABHINAV SHARMA AND ANR

.. Petitioners

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. A.S. Manaise, Advocate for the petitioners.

Mr. Anup Singh, AAG, Punjab.

Mr. Bhavesh Aggarwal, Advocate
for the complainant.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.0011 dated 21.12.2022, under Sections 406 and 498-A IPC registered at Police Station SAS Nagar Mohali.

2. On 27.07.2023, the following order was passed:-

“As per report of the Mediator dated 26.7.2023, the dispute between the parties has been settled.

Learned counsel for the petitioners submits that the dispute between the parties has been amicably settled and the parties have to appear before the learned trial Court for recording of their second motion statement on 04.8.2023.

Adjourned to 31.8.2023.

In the meantime, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall be released on bail on their furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

vii) that the petitioners shall make himself available for interrogation before the Investigating Officer as and when required ;

viii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

ix) that the petitioners shall not leave the country, without prior permission of the Court and shall surrender their passport, if any.

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned State counsel, on instructions from HC Harjit Singh, has stated that pursuant to the order dated 27.07.2023, the petitioners have joined investigation and are no longer required for custodial interrogation.

4. Learned counsel for the complainant, on instructions, submits that the parties have entered into a settlement and hence he has instructions not to oppose the bail petition.

5. In view of above, the petition is allowed and interim order dated 27.07.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. This order should not be treated as “blanket” order. It will not be interpreted as granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioners violate any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not

9. Pending application(s), if any, shall also stand disposed off.

07.03.2024

Jasmine Kaur

Whether speaking/reasoned

Whether reportable

(SUMEET GOEL)

JUDGE

Yes No

Yes No