

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14169-2024
Date of decision: 10.04.2024

TARUN KUMAR
....PETITIONER

VERSUS

STATE OF PUNJAB AND ANOTHER
....RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Sukhan Rangi, Advocate for
Mr. S.S. Rangi, Advocate
for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

Mr. Didar Singh, Advocate
for the complainant.

SANJIV BERRY, J.(ORAL)

Status report dated 10.04.2024 in the form of an affidavit of Deputy Superintendent of Police, Circle Samana, District Patiala, has been filed. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

2. By way of present petition filed under Section 438 of Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
145	29.12.2023	406, 420 and 120-B of IPC	City Samana, District Patiala

3. Learned counsel for the petitioner submits that in compliance to the order dated 19.03.2024 passed by this Court, the petitioner has

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already joined the investigation and as such prayed for confirming the interim bail granted vide order dated 19.03.2024.

4. Learned State counsel, on instructions from SI Ashok intimates that the petitioner had joined the investigation in the case and is no more required for any custodial investigation in this case nor he is required for further investigation.

5. During the course of hearing on 19.03.2024, following order was passed:

“2. It is, inter alia, contended by learned counsel for the petitioner that the Ist petition, i.e. CRM-M-4060-2024, titled as ‘Tarun Kumar Dhawan vs. State of Punjab’ had been dismissed by this Court vide order dated 09.02.2024 (Annexure P-3) in case FIR (supra). He contends that the petitioner is innocent and has been falsely implicated in this case. He further contends that even a compromise dated 10.03.2024 (Annexure P-4) has been effected between the petitioner and the victim-complainant. He further contends that the petitioner is ready to join investigation.

3. Notice of motion.

4. On the asking of the Court, Mr. Harpreet Singh, Addl. AG, Punjab, present in Court, accepts notice on behalf of the State-respondent and, on instructions from SI Ashok Kumar prays for time to file the status report/reply in the matter.

5. Mr. Didar Singh Advocate, has put in apperance on behalf of respondent No. 2 and filed his vakalatnama to assit learned State counsel in the matter. The same is taken on record. He does not dispute the factum of compromise (Annexure P-4) having been voluntarily effected between respondent No. 2 and the petitioner.

6. Adjourned to 10.04.2024.

7. Needful be done well before the date fixed with an advance copy to the counsel opposite. 8. In the meanwhile, the petitioner is hereby directed to join investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

6. Keeping in view the respective submissions made by learned State counsel and considering the fact that the petitioner had already joined the investigation and is no more required for further investigation nor he is required for any custodial interrogation, interim bail granted vide order dated 19.03.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further, the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)
JUDGE

10.04.2024

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