



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

208

CRM-M-20046-2024 (O&M)  
Date of decision: 25.07.2024

MOHAMMAD KAIF  
Versus  
....Petitioner

STATE OF PUNJAB AND ANOTHER  
...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rahul Garg, Advocate  
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI. J.(Oral)

1. On 24.04.2024, this Court had passed the hereinafter extracted order,  
upon the instant petition:-

*“Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioner has sought the concession of his being enlarged on anticipatory bail, in case FIR No.0036 dated 21.02.2024, under Sections 307, 341, 323, 427, 148 and 149 of the IPC (under Section 120-B of IPC added later on), registered at Police Station Division No.8, District Police Commissionerate Jalandhar.*

*Learned counsel for the petitioner laid foundation for the relief of anticipatory bail of the present petitioner mainly on the ground that the compromise has been effected between the accused party, and the complainant. Learned counsel for the petitioner further submits that the name of the present petitioner is not mentioned the FIR, rather his name has surfaced in the disclosure statement of the co-accused.*

*Notice of motion.*

*Mr. Pardeep Bajaj, DAG, Punjab, waives service of notice on*



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*behalf of the respondent-State. At this stage, Mr. Charitr Kadyan, Advocate, appears and accepts notice on behalf of respondent No.2, through his Memorandum of Appearance, and seeks an adjournment to file his duly executed Power of Attorney in favour of respondent No.2.*

*The asked for request is allowed.*

*The counsel for respondent No.2, is directed to file his duly executed Power of Attorney in favour of respondent No.2, with the Registry of this Court, from 15 days from today.*

*Learned counsel for respondent No.2 submits that the matter has been compromised between the parties concerned, and he has no objection in case the relief of pre-arrest bail is granted to the petitioner.*

*Keeping in view the fact that the matter has been compromised between the parties concerned, this Court deems it fit and appropriate, to direct the petitioner to join the investigation, and to 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 bond 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.*

*Adjourned to 16.05.2024.”*

2. Today, the learned State counsel has, on instructions imparted to him by ASI Kishore Kumar, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 24.04.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

“(i) the petitioner(s) shall not commit an offence similar to the



- present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

- 4. This order should not be treated as “blanket” order. It will not be read granting petitioner 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.
- 5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.
- 6. All pending application(s), if any, stand **disposed** of accordingly.

25.07.2024  
amandeep

(KULDEEP TIWARI)  
JUDGE

Whether speaking/reasoned. : Yes/No  
Whether Reportable. : Yes/No