



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23805-2024(O&M)
Date of decision: 30.05.2024

Sourab @ Saurav and others
...Petitioners
Versus
State of Harana
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Navmohit Singh, Advocate for the petitioners.
Mr. Vikram Singh, AAG, Haryana.
Mr. Raghav Sharma, Advocate for the complainant.

MAHABIR SINGH SINDHU, J.

First petition under Section 438 of the Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) has been filed for grant of pre-arrest bail to the petitioner in FIR No. 158 dated 19.04.2024, under Sections 323, 379B, 511, 506, 147, 149, registered at Police Station Faridabad, Distrcit Faridabad.

(2) Allegations are that petitioner alongwith co-accused went to shop of complainant-Gourav Gupta for purchasing plastic CAN and complainant asked for Rs. 280/- whereas petitioner alongwith co-accused paid Rs. 250/- on which altercation started resulting into scuffle and fight.

(3) Affidavit dated 28.05.2024 of Shri Rakesh Kumar Arya, IPS, Commissioner of Police, Faridabad has been filed on behalf of respondent-State, which is taken on record. Copy supplied to the other sides. Registry to tag the same at appropriate place.



(4) Contends that this Court granted interim bail to the petitioners on 13.05.2024 and in terms thereof, they have already joined the investigation and their custodial interrogation is not required. Still further, while making reference to an affidavit dated 8.05.2024 (P-2), contended that matter has been amicably settled between the parties i.e. petitioners as well as *de facto*-complainant.

(5) Above factual position is duly acknowledged by learned State counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioners are not required at this stage.

(6) Learned counsel for the complainant does not dispute the factum of settlement dated 08.05.2024; nor opposed the prayer of petitioners.

(7) Heard learned counsel for the parties and perused the paper-book.

(8) This Court on 13.05.2024 while issuing notice of motion passed the following order:-

“It appears prima facie that genesis of the present FIR is on account of dispute to the tune of Rs. 30/- for purchasing a plastic can.

Notice of motion..

Mr. Kiran Pal Singh, AAG, Haryana accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Mr. Raghav Sharma, Advocate causes representation on behalf of the complainant and submits that the matter has been amicably compromises between the parties i.e. petitioners as well as the complainant.

Posted for 30.05.2024.

In the meanwhile, petitioners shall join investigation before the Investigating Officer. In the event of their arrest, the Arresting Officer would admit them to interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds to



his satisfaction. The petitioners shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.

Let contents of this FIR be brought to the notice of Commissioner of Police, Faridabad to sensitize the police officer concerned and his affidavit be filed before the date fixed.”

(9) It is acknowledged by learned State counsel that in pursuance of above order, petitioners have joined investigation and their custodial interrogation are not required at this stage.

Moreover, the matter has been amicably settled between the parties.

(10) In view of above, interim order dated 13.05.2024 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(11) It is also made clear that petitioners shall fully co-operate with the Investigating Officer as and when called for further investigation.

(12) The above observations may not be construed as an expression of opinion on the legality of the settlement dated 08.05.2024; nor on merits of the case; rather confined only to decide the present bail matter.

(13) It is made clear that in case of any recurrence on the part of the petitioners, the State would be at liberty to move an application for recalling of this order.

(14) Disposed off accordingly.

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

30.05.2024
Harish Kumar/v

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>