



CRM-M-25910-2024

1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

211

CRM-M-25910-2024

Date of Decision : July 29, 2024

KRISHAN SINGH AND OTHERS**-PETITIONERS****V/S****STATE OF PUNJAB****-RESPONDENT****CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: None for the petitioners.

Mr. Sahil R. Bakshi, A.A.G., Punjab.

KULDEEP TIWARI, J. (ORAL)

1. On 22.05.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“1. Through the instant petition, as instituted under Section 438 of the Cr.P.C., the petitioners seek the concession of anticipatory bail, in case FIR No.31 dated 15.03.2024, under Sections 308/379-B/323/ 506/148/149 of the IPC (Sections 325 and 411 of the IPC added subsequently), registered at P.S. Kotbhai, District Shri Muktsar Sahib.

2. The principal argument of the learned counsel for the petitioners is clothed in the fact that, the matter has been compromised inter se the petitioners and the complainant. To substantiate this argument, he refers to Annexure P-2, which is an affidavit of the complainant regarding compromise. Therefore, he submits that when the complainant is not ready to support the case of prosecution, therefore, putting the petitioners behind the bars, for commission of the alleged offences, would tantamount to sheer abuse of the process of law.

3. Lastly, the learned counsel for the petitioners submits that, a petition bearing No.CRM-M-26119-2024 for quashing of the present FIR, on the basis of compromise, has already been filed and pending



CRM-M-25910-2024

2

before this Court. He also submits that the petitioners are ready to join the investigation and to cooperate with the investigating officer.

4. *At this stage, Mr. Kamal Narula, Advocate, records his appearance on behalf of the complainant, under a memorandum of appearance instituted before this Court today, and, as prayed for, he is permitted to, within a week from today, file a validly executed Vakalatnama in his favour by the complainant, before the Registry of this Court. Apart from admitting the factum of compromise inter se the petitioners/accused and complainant, he also extends his 'No Objection' in case the petitioners are granted the relief of anticipatory bail.*

5. *Notice of motion for 29.07.2024.*

6. *Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent-State of Punjab.*

7. *In the meantime, the petitioners are directed to join the investigation and to appear before the investigating agency, as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C."*

2. Today, the learned State counsel has filed a status report, on affidavit of Jasbir Singh, PPS, Deputy Superintendent of Police, Sub Division Gidderbaha, District Sri Muktsar Sahib, which is taken on record. Moreover, he has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioners had joined investigation and they are no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 22.05.2024, as made by this Court, is hereby made **absolute**, subject to the hereinafter extracted conditions:-



CRM-M-25910-2024

3

“(i) the petitioners shall not commit an offence similar to the present offence;

(ii) the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;

(iii) the petitioners shall make themselves 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 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.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

July 29, 2024
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(KULDEEP TIWARI)
JUDGE

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