



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

CRM-M-32551-2024
Date of Decision : 14.08.2024

VIHAN KANWALPetitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHERRespondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr.Pankaj Bali, Advocate,
for the petitioner(s).

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Akashdeep Miglani, Advocate,
for the complainant/respondent no.2.

KULDEEP TIWARI, J.(Oral)

1. On 11.07.2024, 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 petitioner seeks the concession of anticipatory bail, in case FIR No.36 dated 17.02.2021, under Sections 406, 506 of the IPC, registered at P.S. City-2 Khanna.
2. The learned counsel for the petitioner submits that, post the registration of the present FIR, a compromise was effected between the parties. The original compromise deed was handed over to the investigating officer on 07.03.2022, whereupon, the investigating officer prepared a cancellation report on 12.03.2022, which is yet pending consideration before the learned Magistrate concerned.
3. The learned counsel for the petitioner further submits that, approx. three years post the drawing of the compromise deed, the complainant resile from compromise and made another complaint to the effect that his signatures have been forged on the compromise deed. On the basis of this complaint, another FIR No.44 dated 31.03.2024, under Sections 420, 467, 468, 471, 120-B of the IPC has been registered against the petitioner at P.S. City Khanna.

4. Lastly, the learned counsel for the petitioner submits that the vehicle in question has already been got released by the complainant on superdari, therefore, custodial interrogation of the petitioner is not required.

5. Notice of motion.

6. Mr. Pardeep Bajaj, D.A.G., Punjab, accepts notice on behalf of respondent No.1-State of Punjab.

7. Mr. Akashdeep Miglani, Advocate, who records his appearance on behalf of the respondent No.2, under a validly executed Vakalatnama instituted before this Court today, waives service of notice on behalf of the respondent concerned. He opposed the grant of anticipatory bail to the petitioner, on the ground that, he has forged his signatures on a compromise deed, which resulted in registration of another FIR against him.

8. List on 14.08.2024.

9. In the meantime, the petitioner is directed 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 bonds 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.”

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

3. In view of the above, the hereinabove extracted interim order dated 11.07.2024, 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(s) 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.

August 14, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

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