



CRM-M-45186-2024

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-45186-2024

Date of Decision : October 21, 2024

KUNAL PUNDIR

-PETITIONER

V/S

STATE OF PUNJAB AND ANR

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Kanwaljeet Singh Derabassi, Advocate
for the petitioner.

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

Mr. Rajinder Yadav, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. On 11.09.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

"1. Through the instant petition, as instituted under Section 482 of the B.N.S.S., 2023, the petitioner seeks the concession of anticipatory bail, in case FIR No.367 dated 21.11.2022, under Sections 323/341/506/427 of the IPC (Sections 324/326/148/149/201 of the IPC added subsequently), registered at P.S. Derabassi, District S.A.S. Nagar.

2. The principal argument of the learned counsel for the petitioner is clothed in the fact that, the matter has been compromised inter se the petitioner/accused and the complainant/respondent No.2. Therefore, he submits that when the complainant/respondent No.2 is not ready to support the case of prosecution, therefore, putting the petitioner behind the bars, for commission of the alleged offence(s), would tantamount to sheer abuse of the process of law.

3. Lastly, the learned counsel for the petitioner submits that, a petition bearing No.CRM-M-42901-2024 for quashing of the present



CRM-M-45186-2024

2

FIR, on the basis of compromise, has already been filed and pending before this Court. He also submits that the petitioner is ready to join the investigation and to cooperate with the investigating officer.

4. At this stage, Mr. Rajinder Yadav, Advocate, records his appearance on behalf of the complainant/respondent No.2, under a validly executed Vakalatnama instituted before this Court today. Apart from admitting the factum of compromise inter se the petitioner/accused and the complainant/respondent No.2, he also extends his 'No Objection' in case the petitioner is granted the relief of anticipatory bail.

5. Notice of motion for 21.10.2024.

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

7. 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 482(2) of the B.N.S.S., 2023.

8. To be heard with CRM-M-42901-2024."

2. Today, the learned State counsel has filed a status report, on affidavit of Bikramjit Singh Brar, PPS, Deputy Superintendent of Police, Sub-Division Derabassi, District S.A.S. Nagar, which is taken on record. Moreover, on instructions imparted to him by H.C. Mukesh Kumar, the learned State counsel has stated that pursuant to the making of the hereinabove reproduced order, the petitioner had joined investigation and he is no longer required for further custodial interrogation.

3. In view of the above, the hereinabove reproduced interim order dated 11.09.2024, as made by this Court, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

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



present offence;
(ii) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
(iii) the petitioner shall make himself 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.

October 21, 2024
devinder

(KULDEEP TIWARI)
JUDGE

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