

MANISHA
2024.02.02 18:17
I attest to the accuracy and
authenticity of this
order/judgment

Jain (IPS), Assistant Commissioner of Police, Ludhiana (Central) on behalf of respondent-State has been filed and same is taken on record.

4. Learned State counsel, on instructions from ASI Jaswant Singh, submits that the petitioner has not joined the investigation.

5. Learned counsel for the petitioner *inter alia* contends that there is nothing on record to suggest that the petitioner can be held liable for an offence punishable under Section 306 of Indian Penal Code, as the ingredients of abetment within a meaning of Section 107 of IPC are clearly missing. No specific date or instance has been given, however, now the petitioner and the complainant have entered into a compromise. Learned counsel has placed on record the copy of the compromise effected between the parties on 15.11.2023.

6. In view of the aforesaid facts and circumstances and the law enunciated by the Hon'ble Supreme Court in ***Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273*** and ***Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833***, at the first instance, petitioner is directed to appear before the Investigating Officer within a period of two weeks and on his doing so or in the event of his arrest, the petitioner shall be admitted to anticipatory bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer as and when required and abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to

join the petitioner in investigation, in terms of the order of this Court.

8. However, nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

9. The instant petition stands disposed of in above terms.

February 02, 2024

manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |