

207 IN THE HIGH COURT OF PUNJAB AND HARYANA
 CHANDIGARH
 CRM-M-61643-2023 (O&M)
 Date of Decision: 30.01.2024

VIJAY KUMAR

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravi Kumar Advocate for
 Mr. Rajbir Singh, Advocate
 for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 138 dated 21.11.2023 registered under Sections 406 and 420 of Indian Penal Code at Police Station Urban Estate, Patiala.

2. On 07.12.2023, following order was passed:

“The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.0138 dated 21.11.2023 registered under Sections 406 and 420 IPC at Urban Estate, Patiala.

Learned counsel for the petitioner, inter alia, contends that the dispute between the parties has been settled. The entire amount has been paid to the complainant on 06.12.2023 and he has produced the affidavit of the complainant dated 06.12.2023 in this regard. It is further contended that it is a purely civil dispute, which has been already settled between the

parties.

Notice of motion.

On the asking of the Court, Mr. IPS Sabharwal, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent- State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 20.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

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.

Adjourned to 30.01.2024.

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."

3. Learned State counsel on instructions from ASI Baljinder Singh,

submits that in compliance of order dated 07.12.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 07.12.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

30.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No