



CRM-M-65123-2023

1

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

101

CRM-M-65123-2023

Date of Decision : May 23, 2024

SATISH KUMAR

-PETITIONER

V/S

STATE OF PUNJAB

-RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gurnoor S. Sandhu, Advocate
for the petitioner.

Mr. Pardeep Bajaj, D.A.G., Punjab.

Mr. S.S. Aviraj, Advocate
for the complainant.

KULDEEP TIWARI, J. (ORAL)

1. On 25.04.2024, this Court had passed the hereinafter extracted order, upon the instant petition:-

“2. On 22.12.2023, a Co-ordinate Bench of this Court had passed the hereinafter extracted order, upon the instant petition.

“This is a petition filed under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No.0021 dated 29.07.2023, under Sections 406 and 420 IPC, registered at Police Station NRI, District SAS Nagar.

Learned counsel for the petitioner has argued that the complainant had earlier also, on the same set of allegations, filed a complaint at Moga, which was inquired into. The petitioner had joined the proceedings in the said inquiry and after recording the factual aspects, the conclusion drawn in the inquiry report dated 27.09.2022 (Annexure P-5) was that the genesis of the dispute was of a civil nature and accordingly, opinion of the District Attorney was ordered to be sought. In the meanwhile, complainant moved another complaint dated 01.03.2023 on the same set of allegations before the ADGP (NRI), Punjab. The offences alleged against the petitioner are not made out and he is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Mr. Sanish Girdhar, AAG, Punjab, accepts notice on



CRM-M-65123-2023

2

behalf of respondent-State and waives service. Learned State counsel submits that he has just received the case and seeks time to go through the same and to file reply/status report.

List on 19.03.2024.

In the meanwhile, no coercive steps be taken against the petitioner till the next date.”

3. *List on 20.05.2024.*

4. *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 official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 25.04.2024, as made by this Court, is hereby made **absolute**, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

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.

May 23, 2024
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(KULDEEP TIWARI)
JUDGE

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