

In the court of Shri Jagdeep Singh Marok, Addl. Sessions Judge,
Ludhiana.

(Unique Identification Code No. PB-0074)

Bail Application No.3010/2019

CNR No. PBLD01-016648-2019

Date of Order: 23.04.2019

State	Versus	1. Mohammad Imran son of Ramjan Mohammad, r/o Street No.4, Jagirpur Road, Model Colony, Ludhiana.
		2. Mohammad Faizal son of Mohammad Anis, r/o House No. 631, Street No.9, Model Colony, Jagirpur, Ludhiana.

FIR No.197 dated 24.07.2018

Under Sections 323, 341, 379, 506, 148, 149 IPC

P.S. Meharban, District Ludhiana.

(Bail application under Section 438 Cr.P.C.)

Present: Shri A.K. Giri, Advocate for applicants.

Ms. Monika Gupta, Addl.P.P. for the State.

ORDER

Heard on the application having been moved by
accused/applicants Mohammad Imran and Mohammad Faizal u/s.
438 Cr.P.C. in case FIR No.197 dated 24.07.2018 Under Sections
323, 341, 379, 506, 148, 149 IPC P.S. Meharban, District
Ludhiana. Harjit Singh HC produced the police record.

2. In the application, it has been alleged that parties i.e.
complainant and applicants have arrived at a compromise and the

applicants undertake not to make any inducement, threat or promise to anybody acquainted with the facts of case so as to dissuade him from disclosing such facts to the police or the Court. The applicants are ready to abide by any condition that may be imposed and they undertake not to leave India without prior permission of the Court. So, ultimate plea is that applicants may be released on bail in this case.

3. Pursuant to the notice given to State, learned Addl.P.P. for the State appeared and contested the claim of applicants and ultimate plea is that applicants may not be granted the confession of anticipatory bail.

4. During the course of arguments, much stress has been laid by Shri A.K. Giri, learned counsel for applicants that the applicants intend to join investigation but they are facing apprehension of their arrest at the hands of police. They have arrived at a compromise with the complainant and under these circumstances, they may be allowed to join the investigation. Learned counsel for applicants also took me through an affidavit dated 29.08.2018 allegedly having been executed by Karnail Singh complainant thereby alleging that on account of compromise, he does not want to proceed against the applicants.

5. Learned Addl.P.P. for the State is contesting the claim of applicants with the plea that applicants do not deserve the

concession of bail in this case in the light of facts and circumstances having been put forth in the FIR.

6. I have given thoughtful consideration to the respective submissions of both sides and gone through the documents on record.

7. The motor cycle, which was allegedly taken away forcibly by the applicants, was recovered from abandoned place and it was not taken into police custody from the possession of applicants. Moreover, parties are having rival contentions and complainant himself is alleging that on account of some indifferences between the complainant and applicants, he has put police into motion, but now compromise has been arrived at between the complainant and applicants. Since recovery of motor cycle involved in this case was not effected from the possession of accused/applicants and the applicant himself is not endorsing the factum of prosecution story as put forth by way of alleged affidavit of the complainant and the criminal liability of applicants would only be assessed when the applicants would join investigation with the police and only then the police would be able to arrive at a conclusion as to whether the applicants were involved in the commission of alleged offence or not, this court deems it appropriate to direct the applicants to join investigation with the police and in the event of their arrest, they be admitted to

ad-interim bail subject to the satisfaction of Arresting Officer/
Investigating Officer with further conditions as enumerated under
Section 438 (2) Cr.P.C. The applicants shall furnish affidavit on
the next date of hearing that they have joined the investigation and
Investigating Officer will also furnish report in this regard on
26.04.2019.

Pronounced;
Dt; 23.04.2019

(Jagdeep Singh Marok)
Addl. Sessions Judge,
Ludhiana (UID No.PB 0074)

**Rajiv Stgr.II*