

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-16336 of 2017
Date of Decision: 24.05.2017

Gurmit Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Kushaldeep S. Sandhu, Advocate
for complainants.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 132 dated 24.12.2016 registered for offences punishable under Sections 406 and 420 of Indian Penal Code (for short, "IPC") at Police Station Mahilpur, District Hoshiarpur.

Heard.

Notice of motion.

On asking of the court, Ms. Bhavna Gupta, DAG, Punjab, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with her.

Learned counsel for the petitioner submits that the matter was settled with Rajbir Singh from whose account money was allegedly transferred to the account of petitioner. Copy of compromise dated 10.12.2015, to this effect, has been placed on file as Annexure P-2/T. He

further submits that amount was given to Sewa Singh, Rajbir Singh and Kulwinder Singh for sending the petitioner abroad.

Learned State counsel submits that compromise dated 10.12.2015 is not on the file of investigating officer and has not been verified.

Learned counsel for complainants submits that compromise dated 10.12.2015 is not signed by Rajbir Singh and a complaint was made to police that it is a forged compromise.

Compromise dated 10.12.2015 is a material piece of evidence, which is required to be looked into by the investigating agency. Only after verification of the same it can be concluded that as to whether this is a fake or genuine one. The petitioner is in custody and investigation is stated to have been completed.

In view of above but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Gurmit Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the

petitioner shall have to apply for bail afresh.

- (c) He shall not leave the country without the previous permission of the Court.

May 24, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No