

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 204

CRM-M-38217-2016

Decided on : 07.03.2017

Sudarshan Kumar

..... Petitioner(s)

VERSUS

State of Punjab and another

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Prateek Pandit, Advocate, for the petitioner(s).
Mr. Neeraj Yadav, AAG, Punjab.
Mr. Amandeep Singh, Advocate, for the complainant.

DEEPAK SIBAL, J. (ORAL)

The present is the second petition filed under Section 438 Cr.P.C., seeking the concession of anticipatory bail in FIR No. 109, dated 30.07.2016, registered under Sections 406, 420 and 506 IPC read with Section 24 of the Immigration Act, at Police Station Division No. 4, Jalandhar.

The petitioner had earlier approached this Court for the same relief as prayed for in the present petition through CRM-M-29622-2016 "Sudarshan Kumar vs. State of Punjab" which petition was dismissed by this Court on 07.10.2016.

Vide order dated 25.10.2016, while issuing notice of motion, this Court had ordered that the petitioner shall not be arrested.

Seeking anticipatory bail for the petitioner, learned counsel submits that after the dismissal of the earlier petition, the matter has been compromised between the parties and in pursuance thereof, the amount as settled between the parties has been paid by the petitioner to the complainant. He further submits that the petitioner has joined investigation;

there is no other criminal case pending against him and that he has fully cooperated with the investigating agency.

Learned State counsel admits that the petitioner has joined investigation and at this stage is not needed for further questioning by the investigating agency.

Learned counsel appearing on behalf of the complainant, on instructions from the complainant who is present in Court, admits that the compromise has been arrived at between the parties and in pursuance thereof the settled amount has been paid by the petitioner to the complainant.

In view of the above, the petition is allowed and the order dated 25.10.2016 granting interim anticipatory bail to the petitioner is made absolute subject to the conditions prescribed under Section 438(2) Cr. P. C.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

During the period that the bail is granted to the petitioner, if he is found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioner.

07.03.2017
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[DEEPAK SIBAL]
JUDGE