

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-5478 of 2017 (O&M)

Date of Decision: 14.03.2017

Davinder Kaur & another

--Petitioners

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vaibhav Narang, Advocate for the petitioners.

Ms. Harpreet K. Athwal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

This order shall dispose of the present petition filed under Section 438 Cr.P.C praying for the grant of anticipatory bail to the petitioners in case F.I.R. No.813 dated 30.12.2016 under sections 420, 120-B I.P.C and Section 13 of the Punjab Prevention of Human Smuggling Act, registered at Police Station, Civil Lines, District Amritsar.

On 20.2.2017, while issuing notice of motion, the following order was passed by this Court:-

“The present petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in case FIR No.813 dated 30.12.2016 registered under sections 420, 120-B I.P.C and Section 13 of the Punjab Prevention of Human Smuggling Act at Police Station, Civil Lines, District Amritsar.

Counsel would contend that the matter has since been settled with the complainant and on the strength of the compromise even a quashing petition has been filed under Section 482 Cr.P.C in this Court (CRM No. M-2509 of 2017) and in which notice already stands issued for 14.3.2017.

It is also the categoric contention raised by the counsel that the petitioners are not involved in any other case of a similar nature.

Notice of motion, returnable for 14.3.2017.

To be heard along with CRM No. M-2509 of 2017.

At this stage, Mr. Subhash Chand, Advocate, who is present in Court accepts notice on behalf of the complainant namely Vishal Inder Arora and concedes to the factum of a compromise having been entered into.

In the meanwhile, petitioners are directed to join investigation.

In the event of arrest, the petitioners shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Tilak Raj would apprise the Court that the petitioners have since joined investigation. It has also gone uncontroverted that a compromise/settlement has been arrived at between the complainant and the petitioners herein.

In the considered view of this Court, custodial interrogation of the petitioners, as such, would not be warranted. Accordingly, the present petition is allowed. The order dated 20.2.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

14.03.2017

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Whether speaking/reasoned: Yes
Whether Reportable: No