

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

**CRM-M-42637-2018
Date of decision: 11.12.2018**

Barinder Singh and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Gill, Advocate
for the petitioners.

Mr. Sidakmeet Sandhu, DAG, Punjab.

Mr. K. B. Raheja, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 0079 dated 31.08.2017, under Sections 420, 406 and 120-B of the IPC, registered at Police Station Sadar Ahmedgarh, District Sangrur.

The operative part of the order dated 01.10.2018, vide which the petitioners have been granted interim bail, is reproduced below:

“Learned counsel for the petitioners submits that as per the allegations in the FIR, the primary allegations are against Krishan Singh @ Baba, who is the uncle (father's brother) of the petitioners, and one Amandeep Singh.

Learned counsel for the petitioners further submits that the petitioners have been roped in only because they are the nephews of aforesaid Krishan Singh @ Baba and they are not involved in any other case. It is further submitted that petitioner No. 1 is working as a Clerk in PSTCL.

Learned State counsel, on instructions from ASI Bahseer, assisted by learned counsel for the complainant, has opposed the prayer of the petitioner on the ground that in the FIR, it has come that on the asking of aforesaid Krishan Singh @ Baba, an

amount of Rs. 4 Lakh was paid when one of the petitioners was present and in his presence, it was handed over to Krishan Singh @ Baba and later on, it was handed over to his wife.

Learned State counsel further submits that both the co-accused, Krishan Singh @ Baba and Amandeep Singh, are involved in number of cases/FIRs, however, no FIR is pending against the petitioners and submits that petitioners be directed to join investigation.

Learned counsel for the complainant submits that the complainant is ready for an amicable settlement and the matter be referred to Mediation and Conciliation Centre of this Court.

List again on 11.12.2018.”

Learned counsel for the petitioners as well as learned counsel for the complainant submit that no amicable settlement could be arrived at between the parties in the mediation.

Learned counsel for the petitioners submits that the petitioners, in pursuance to the order dated 01.10.2018, have already appeared before the SHO/Investigating Officer and have joined the investigation.

Learned counsel for the petitioners further submits that petitioners are ready to deposit an amount of ₹4 Lakh, to be kept in an FDR, subject to the condition that in case the petitioners are acquitted, the said amount will be returned to the petitioners, otherwise it will be subject to final outcome of the case.

Learned counsel for the State, on instructions from ASI Labh Singh, assisted by learned counsel for the complainant, has not disputed the factual position and submits that the petitioners have joined the investigation and are no more required for any further investigation.

Without commenting anything on the merits of the case, considering the fact that the petitioners, in pursuance to the order dated 01.10.2018, have joined the investigation and they are ready to deposit an

amount of ₹4 Lakh before the trial Court/Illaqia Magistrate on or before 15.01.2019, to be kept in an FDR, subject to the condition that in case the petitioners are acquitted, the said amount will be returned to the petitioners, the order dated 01.10.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioners are further directed to deposit their passports with the trial Court/Illaqia Magistrate.

Petition stands allowed.

December 11, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No