

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

CRM-M-19563-2018
Date of decision:26.02.2019

Parkash Singh and another

....Petitioners

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Ranjodh Singh Sidhu, Advocate
for the petitioner.

M. R.S. Thind, DAG, Punjab.

Mr. Mukesh Kumar Bhatnagar, Advocate
for the complainant.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioners Parkash Singh and Gurteer Singh have approached this Court seeking grant of anticipatory in a case registered vide FIR No.56 dated 08.03.2018 under Sections 420, 120-B of the Indian Penal Code and Section 13 of Punjab Prevention of Human Smuggling Act, Police Station Sadar, District Amritsar.
2. The FIR was lodged at the instance of Balwinder Kaur wherein she alleged that the accused Parkash Singh, Pardeep Singh and Gurteer Singh had taken an amount of ₹7.50 lakhs from her on the pretext of sending her son Deepak abroad. It is alleged that out of the said amount of ₹7.50 lakhs, an amount of ₹1 lakh was handed over to

the petitioners Parkash Singh and Gurteer Singh in cash on 14.03.2017 whereas the remaining amount was given to co-accused Pardeep Singh Bajwa on two different dates i.e. ₹3.50 lakhs through cheque on 17.03.2017 and another amount of ₹3 lakhs was deposited through RTGS in account of Pardeep Singh on 27.03.2017. The complainant alleged that despite receipt of said amount, his son was not sent abroad.

3. Vide order dated 9.5.2018, the petitioners were directed to join investigation. The petitioners have paid an amount of ₹1 lakh to the complainant which has been admitted by the learned counsel for the complainant present in the Court today. Deepak son of the complainant is also present in person, who has also admitted that he has received an amount of ₹1 lakh from the petitioners. Learned counsel for the complainant has stated that he has no objection to release of the petitioners on anticipatory bail.
4. Learned State counsel upon instructions from ASI Balwinder Singh has informed that pursuant to interim directions issued by this Court, the petitioners have joined investigation.
5. In view of the aforesaid position, wherein I find that the petitioners have already joined investigation, the petition is accepted and the interim directions issued vide dated 9.5.2018 by this Court are hereby made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also

abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. The petition is accepted in the above mentioned terms.
7. It is clarified that in case the complainant is unsuccessful during the course of trial to establish that any amount had been paid to the accused as alleged in the FIR, the petitioners shall be entitled to return of the aforesaid amount of ₹1 lac which has been given by them to the complainant during course of this petition.

**(GURVINDER SINGH GILL)
JUDGE**

26.02.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**