

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

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CRM-M-14632 of 2019

Date of decision: 29.05.2019

Parveen Kumar Kapoor

..Petitioner

Vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Manoj Kumar, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab.

Mr. Rishu Mahajan, Advocate for the complainant.

ANUPINDER SINGH GREWAL, J.(ORAL)

The petitioner is seeking anticipatory bail in FIR No.81 dated 29.12.2018, under Sections 420, 465, 468, 471 and 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Mohakampura, District Amritsar.

Learned counsel for the petitioner contends that the allegations against the petitioner in the FIR are that a sum of ₹4 lacs had been taken from the complainant to send his son abroad and out of this amount, a cheque for an amount of ₹49,000/- had been paid to the main accused Rajpal Singh. He also contends that the main accused Rajpal Singh has also arrived at a settlement with the complainant to return the amount of ₹4 lacs. The petitioner is not involved in any other case of similar nature.

Learned counsel for the complainant states that the petitioner himself was party to the agreement arrived at between the complainant and the main accused Rajpal Singh and the two cheques for an amount of ₹ 2 lacs each paid by Raj Pal Singh had been dishonoured. He also

contends that the petitioner had also made a statement in the compromise that he shall pay the amount.

At this stage, learned counsel for the petitioner contends that the petitioner was only a witness to the settlement and was not required to pay any amount to the complainant. He, however, contends that petitioner without prejudice to his rights and contentions shall pay an amount of ₹ 75,000/- to the complainant within a period of one month.

This Court, by the order dated 22.04.2019, had directed the petitioners to appear before the Investigating Officer and join the investigation and in the event of his arrest, he was to be released on ad-interim bail to the satisfaction of the Investigating/Arresting Officer, subject to the conditions envisaged under Section 438(2) Cr.P.C.

Learned State counsel, on instructions from ASI Labh Singh, states that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the submissions of learned counsel for the petitioner and keeping in view the fact that the petitioner has joined investigation, the order dated 22.04.2019 granting ad interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

May 29, 2019
Poonam Sharma

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No