

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-24561 of 2019
Date of Decision: 01.10.2019

Kulwinder Singh

....Petitioner

VERSUS

State of Punjab and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Vivek K. Thakur, Advocate
for the petitioner.

Mr. Rakeshinder Singh Sidhu, A.A.G. Punjab.

Mr. Tejinderbir Singh, Advocate
for respondent no. 2.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.21 dated 15.02.2019 registered for offences punishable under Sections 420 and 370 of Indian Penal Code and 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Subhanpur, District Kapurthala.

Heard.

Learned counsel for respondent no. 2 submits that there was a compromise between the parties but the payments as agreed were not made.

Learned State counsel on instructions from ASI Sukhchain Singh submits that complainant has given affidavit to the investigating officer stating therein that as per compromise it was orally settled that agreed amount will be paid to complainant but the same was not mentioned in the compromise. No payment has been made so far, as such, compromise between the parties has fizzled out.

Learned counsel for the petitioner submits that he has called the petitioner but he has not responded to his communications, as such, he has no instructions in this regard.

Allegations against the petitioner are that petitioner had taken a sum of ₹21,30,000/- from the complainant for getting son of complainant released from custody in America. The payment of ₹14 lakhs through RTGS is admitted even in the petition.

Keeping in view the gravity of offence and submission of learned State counsel that despite compromise, petitioner has not made agreed payment to complainant, I find no reason to exercise the discretionary power of this Court to extend the benefit of anticipatory bail to petitioner at this stage.

Dismissed.

October 01, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No