

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-26763 of 2019
Date of Decision: 06.09.2019

Prem Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Simsi Dhir Malhotra, Advocate
for the petitioner.

Mr. Avtar Singh Sandhu, Addl. A.G. Punjab.

Mr. A.S. Bhatti, Advocate
for the complainant.

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. 296 dated 11.12.2018 registered for offences punishable under Sections 420 of Indian Penal Code and 13 of the Punjab Prevention of Human Smuggling Act, 2012, at Police Station Tanda, District Hoshiarpur.

Heard.

Learned State counsel on instructions from ASI Paramjit Singh submits that the petitioner has joined the investigation. As per compromise (Annexure P-4) between the parties amount of ₹11 lakhs has also been paid to complainant by the petitioner.

The complainant has alleged that the petitioner entered into a deal to send his son abroad on receipt of ₹30 lakhs. However, his son was illegally sent to America, where he was arrested and deported.

Learned counsel for complainant submits that in fact the deal was settled for ₹30 lakhs and the compromise (Annexure P-4) was entered into for ₹11 lakhs under pressure. The son of complainant remained in jail for a period of 17 months in America.

Compromise (Annexure P-4) was entered into between the parties after the complaint was made to the police. The entire amount as per compromise has been paid, may be with delay.

Keeping in view above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 14.06.2019 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

September 06, 2019
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No