

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

208 (1)

**CRM-M-19851-2020
Date of decision: 22.09.2020**

Surender Singh @ Chhinda

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Bipan Ghai, Senior Advocate with
Mr. Paras Talwar, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana
for the respondent-State.

Mr. Pawan Attri, Advocate for
Mr. Fateh Saini, Advocate
for respondent No.2/complainant.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

The petitioner has filed the present (first) petition under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No. 281 dated 28.05.2020 registered under Sections 406, 420, 370, 120-B and 506 of the Indian Penal Code, 1860 (for short 'the IPC') and Section 24 and 25 of the Immigration Act and 12 of the Passport Act at Police Station Pehowa, District Kurushetra.

Vide order dated 22.07.2020 the Co-ordinate Bench of this Court had, while issuing notice of motion, granted interim anticipatory bail to the petitioners with direction to join the investigation. Relevant

part of the said order reads as under:-

“Counsel for the petitioner inter alia contends that dispute between the parties has been settled by way of compromise. He would further submit that in all the criminal cases registered against the petitioner, he has settled the dispute with the complainant. He would inform that he has appended various orders passed in cases in which the petitioner has settled the dispute with the complainant party.

Heard.

Notice of motion.

Mr. Deepak Bhardwaj, DAG, Haryana accepts notice on behalf of State of Haryana.

Mr. Fateh Saini, Advocate, has caused appearance on behalf of the complainant. He would concede that dispute between the parties has been settled by way of compromise and complainant has no grievance to express in respect of allegations raised in the instant FIR.

Adjourned to 22.9.2020.

In the meantime, the petitioner is directed to join investigation within seven days and on his appearance before the arresting/investigating officer, he shall be admitted to bail on his furnishing bail bonds to the satisfaction of the concerned officer subject to the following conditions:-

- (i) He shall make himself available for interrogation by a police officer as and when required;
- (ii) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer; and
- (iii) He shall not leave India without previous permission of the Court.”

Mr. Pawan Attri, Advocate has appeared for Mr. Fateh Saini, Advocate for the complainant. His power of attorney was filed in the Registry which is taken on record.

The petition has been opposed by learned State Counsel and learned Counsel for respondent No.2/complainant. However, no reply has been filed by them.

I have heard learned counsel for the petitioner, learned State counsel and learned counsel for the respondent No.2/complainant and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case. The petitioner has settled the dispute with the complainant party in all the criminal cases registered against them. In compliance with order dated 22.07.2020 the petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required in the case.

Learned State counsel has vehemently opposed the petition. However, learned State counsel has acknowledged that in compliance with order dated 22.07.2020 passed by the Coordinate Bench of this Court, the petitioner has joined the investigation and that his custodial interrogation is not required for effecting any recovery or otherwise.

Learned counsel for respondent No.2/complainant has not disputed the factum of compromise.

In view of the facts and circumstances of the case and also the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves grant of

anticipatory bail. Therefore, the petition is allowed and order dated 22.07.2020 granting interim bail to the petitioner is made absolute. The petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr. P.C., failing which the protection of anticipatory bail order shall not be available to him.

22.09.2020

(ARUN KUMAR TYAGI)
JUDGE

Vishal

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No