

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

208

**CRM-M-20660-2020
Date of decision: 22.09.2020**

Surender Singh @ Chhinda and anotherPetitioners

Versus

State of Haryana and anotherRespondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

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

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

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

ARUN KUMAR TYAGI, J (ORAL)

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

The petitioners have 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. 216 dated 28.05.2020 registered under Sections 406, 420, 370, 195-A, 120-B and 506 of the Indian Penal Code, 1860 (for short 'the IPC') and Section 10, 24 and 25 of the Immigration Act and 12 of the Passport Act at Police Station University Kurushetra, District Kurushetra.

Vide order dated 28.07.2020 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 petitioners 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 petitioners, they have settled the dispute with the complainant. He would inform that he has appended various orders passed in cases in which the petitioners have 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 petitioners are directed to join investigation within seven days and on their appearance before the arresting/investigating officer, they shall be admitted to bail on their furnishing bail bonds to the satisfaction of the concerned officer subject to the following conditions:-

- (i) They shall make themselves available for interrogation by a police officer as and when required;
- (ii) They 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) They shall not leave India without previous permission

of the Court.

To be heard alongwith CRM-M- 19851 of 2020.”

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

Learned counsel for the petitioners have submitted that the petitioners were falsely implicated in the present case. The petitioners had settled the dispute with the complainant party in all the criminal cases registered against them. In compliance with order dated 28.07.2020 the petitioners have joined the investigation. Nothing is to be recovered from them and their 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 28.07.2020 passed by the Coordinate Bench of this Court, the petitioners have joined the investigation and stated that their 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 petitioners 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 petitioners deserve grant of anticipatory bail. Therefore, the petition is allowed and order dated 28.07.2020 granting interim bail to the petitioners is made absolute. The petitioners 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 them.

22.09.2020

Vishal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No