

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

208 (2)

**CRM-M-21659-2020
Date of decision: 22.09.2020**

Surender Singh @ Chhinda and another

.....Petitioners

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 petitioners.

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

Mr. Pawan Attri, Advocate
for 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. 0345 dated 26.06.2020 registered under Sections 406, 420, 120-B, 344, 370, 371 and 386 of the Indian Penal Code, 1860 (for short 'the IPC') and Section 10 and 24 of the Immigration Act and 12 of the Passport Act at Police Station Pehowa District Kurukshetra.

Vide order dated 05.08.2020 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:-

“This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

It is inter alia submitted that the matter has been amicably resolved between the parties and all misunderstandings which led to registration of FIR No. 0345, dated 26.06.2020, under Sections 406, 420, 120-B, 344, 370, 371, 386 IPC, Sections 10, 24 of Immigration Act and Section 12 of Passport Act, Police Station Pehowa, District Kurukshetra, have been removed.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the respondent-State. Advance copy of the petition stands served.

Mr. Sube Sharma, Advocate, appears on behalf of respondent no.2 and accepts notice. He submits that there is no objection, in case, this petition is allowed.

Learned counsel for the respondent-State prays for some time to seek instructions and address arguments.

At request, adjourned to 22.09.2020. To be taken up along with CRM-M-19851 of 2020.

In the meanwhile, the petitioners shall appear before the Investigating Officer and join investigation. In the event of their arrest, the petitioners shall be released on bail to the satisfaction of Investigating Officer. Petitioners shall comply with the conditions stipulated in Section 438(2) Cr.P.C.”

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 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 matter has been amicably resolved between the parties. In compliance with order dated 05.08.2020 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 05.08.2020 passed by the Coordinate Bench of this Court, the petitioners have joined the investigation and 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 05.08.2020 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