

AT CHANDIGARH

CRM-M-25434-2020

Date of Decision:15.09.2020

Gurwinder Singh Saini @ Gurpreet Singh
@ Harry and another

.....Petitioners

Vs.

State of Punjab and another

....Respondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Vishal Goel, Advocate,
for the petitioner.

Mr.Rana Harjasdeep Singh, DAG, Punjab.

Mr.Parveen Sharma, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

On September 02, 2020, the following order had been recorded in this petition:

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, the petitioners seek the concession of anticipatory bail, upon FIR no.38, dated 26.3.2020, having been registered at Police Station Shambu, District Patiala, alleging therein the commission of offences punishable under Sections 420/120-B of the IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012.

Learned counsel for the petitioners submits that though this court vide an order passed on 7.7.2020 had not been inclined to grant bail when the petitioners had earlier filed CRM-M-14288 of 2020, however thereafter the matter has been compromised with the complainant, in support of which he points to the compromise deed (Annexure P-4).

Notice of motion.

Mr.Saurav Khurana, learned DAG, Punjab, accepts notice at the asking of the court on behalf of respondent no.1.

Mr.Parveen Sharma, Advocate, appears for respondent no.2, i.e. the complainant in the FIR (Rajinder Singh). He does not deny the factum of the compromise.

Upon query to Mr.Khurana, he submits that as per his instructions so far at least, no other criminal case has been registered against the petitioners.

That being so, the petitioners are directed to join investigation and upon them so joining if they are sought to be arrested, they shall be released on bail, on their furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Ilaqa Magistrate.

They shall also comply with all conditions stipulated in Section 438(2) of the Cr.P.C.

If the investigating officer does not actually join the petitioners in investigation, they would appear before the learned Ilaqa Magistrate immediately, who would then summon the arresting officer and direct him to join them in investigation, in terms of the order of this Court.

Adjourned to 14.9.2020.”

Today, learned State counsel, on instructions, submits that pursuant to the aforesaid order, the petitioners have joined investigation on 12.09.2020 and presently at least their custodial interrogation is not required, with Mr.Parveen Sharma, learned counsel for the complainant also submitting that he has no objection to the said order being made absolute, since the issue has been resolved between the parties.

That being so, without making any comment on the actual merits of the case, this petition is allowed, with the order dated 02.09.2020, admitting the petitioners to interim bail, made absolute, on the same terms and conditions.

September 15, 2020

dharamvir/

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned : YES
Whether Reportable : NO