

215 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35796-2021

Date of Decision: 13.10.2021

LASHKAR RAM

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Ms. Nitika Verma, Advocate for
Mr. Amit Dhawan, Advocate for the petitioner.

Mr. C.L.Pawar, Sr. DAG, Punjab.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.87 dated 27.04.2020, registered under Section 420 IPC at Police Station Shahkot, District Jalandhar, Rural.
3. On 01.09.2021, the following order was passed:-

“ Case is being taken up for hearing through Video conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No.87 dated 27.04.2020 registered under Section 420 IPC at Police Station Shahkot, District Jalandhar, Rural.

Learned counsel contends that the petitioner had arranged for sending the complainant abroad against work permit but the proposal did not mature, therefore, the petitioner has returned the entire amount paid by the complainant (i.e. Rs.1.50 lac) to the complainant, who has executed a compromise

(Annexure P-2) dated 17.08.2021, besides the petitioner is ready and willing to join investigation and fully co-operate in the same.

Notice of motion.

Mr. Sarabjit Singh Cheema, learned AAG, Punjab, accepts notice on behalf of respondent No.1 while Mr. Prabhjot Singh Bedi, Advocate puts in appearance and accepts notice on behalf of respondent No.2.

Learned counsel for respondent No.2 confirms receipt of full amount (i.e. Rs.1.50 lac) paid by the complainant to the petitioner for sending him abroad, as also execution of compromise (Annexure P-2) dated 17.08.2021. Learned State Counsel on the other hand requests for time to obtain instructions and to argue the matter.

Adjourned to 13.10.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from *SI Narender Singh* confirms that pursuant to the order of this Court dated 01.09.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that his custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 01.09.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C.

However, nothing stated hereinabove shall be construed to be an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

13.10.2021
Rajesh-renu

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>