

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

CRM-M-40181-2021

Date of decision : 16.12.2021

Naresh Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.J.S.Thakur, Advocate
for the petitioner.

Mr.Sarabjit Singh Cheema, AAG, Punjab.

Mr.Ankit Chauhan, Advocate
for the complainant.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.2 dated 09.01.2020 registered under Sections 406, 420 IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 and Section 24 of the Immigration Act, 1983 at Police Station City Banga, District SBS Nagar.

On 27.09.2021, this Court was pleased to pass the following order:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.2 dated 09.01.2020 registered under Sections 406, 420 of the Indian Penal Code, 1860 and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 and Section 24 of the Immigration Act, 1983 at Police Station City Banga, District SBS Nagar.

Learned counsel for the petitioner inter alia contends that in the present case, compromise has been effected between the parties and as per the said compromise, an amount has been paid to the complainant as a full and final settlement. It has further been argued that in para 6 of the said compromise (Annexure P-2), it has specifically been mentioned that nothing is due from the present petitioner and his co-accused.

Notice of motion.

On asking of the Court, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of State of Punjab and seeks time to get instructions.

Adjourned to 01.12.2021.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner as well as the complainant have submitted that in the present case, the matter has been compromised and the disputed amount has already been paid by the petitioner to the complainant and thus, the complainant has no objection in case the present petition for anticipatory bail is allowed. It is also submitted that the parties are in the process of filing a petition for quashing of FIR on the basis of compromise.

Learned State counsel has opposed the petition for anticipatory bail.

Keeping in view the above said facts and circumstances, moreso, the facts which have been noticed in the order dated 27.09.2021

and also the fact that in the present case, the matter has been compromised,

the present petition for anticipatory bail is allowed and the interim order dated 27.09.2021 is made absolute.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

December 16, 2021
Davinder Kumar

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