

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

204

CRM-M No.40192 of 2020

Date of decision:08.02.2021

Amrik Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. A.P.S. Shergill, Advocate for the petitioner.

Mr. H.S. Sullar, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.06, dated 30.01.2019 registered under Sections 420, 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Kotli Surat Malhi.

Counsel for the petitioner has submitted that the petitioner has been falsely framed in the FIR. He contends that his father retired from the post of Inspector from Punjab Police and he had a dispute regarding seniority with the other direct recruits to the post of ASI's. That is why both the petitioner and his younger brother were falsely involved in a number of criminal cases. He has referred to Para 11 of the petition to submit that the petitioner was acquitted in FIR registered against him under Sections 451, 419, 420, 384, 506, 511 and 149 IPC. In the second FIR registered against the petitioner under Section 27 of the NDPS Act, he was convicted and sentenced to undergo imprisonment of one month and pay a fine of Rs.15,000/-, which he has paid. He submits that besides the said two said cases and the present FIR, no other case is pending against the petitioner. It is his contention that the present FIR relates to incidents, which took place in 2013 and 2014, when he along-with other co-accused allegedly swindled the complainant of Rs.9.20 lacs on the pretext of sending his son abroad. He urges that the son of the complainant was sent to

U.K. in November, 2014, but was deported back by the Immigration Department. The present FIR, according to the counsel, has been lodged on 30.01.2019, Annexure P-1, after more than four years with the sole intention of extracting money from the petitioner. Still further, it has referred to the compromise dated 23.10.2020, Annexure P-2, and affidavit dated 06.11.2020, Annexure P-4, to submit that the dispute between the parties has been resolved. He submits that the petitioner, who is in custody since 19.10.2020, deserves to be enlarged on bail as he is likely to be acquitted in view of the compromise.

Per contra, learned State counsel upon instructions from ASI Rajinder Singh, has opposed the petition. He has referred to the short reply filed by way of affidavit of Deputy Superintendent of Police, Sub Division Dera Baba Nanak, to submit that the copy of the compromise has not been handed over to the Investigating Agency.

Mr. H.S. Sethi, Advocate has appeared on behalf of the complainant. He has admitted the fact that a compromise has been effected between the parties.

I have considered the rival submissions of the parties.

Considering the above facts and circumstances, the nature of allegations, gravity of offence, and the fact that the dispute stands compromised, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

08.02.2021

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(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No