

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

201

CRM-M-11500-2018(O&M)
Date of Decision : August 24, 2021

KARAMJIT SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Sanjeev Kumar Arora, Advocate
for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

CRM-4451-2020

The present application has been filed for placing on record the compromise Annexure P-3.

For the reasons mentioned in the application, the same is allowed. The accompanying compromise Annexure P-3 is taken on record subject to all just exceptions.

Main case

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No.14 dated 17.1.2018 under Section 420 IPC, Police Station City, Faridkot.

As per the contents of the FIR, the petitioner had allegedly taken money to the tune of Rs.35,000/-, Rs.30,000/-, Rs. 55,000/- and

Rs.30,000/- respectively from four of the private respondents on the pretext of sending these persons abroad but he neither send them abroad nor has returned their money and, therefore, the present FIR was lodged.

The learned counsel for the petitioner has submitted that the FIR was an abuse of the process of law but in view of the fact that the heading of the application given by the complainant itself shows that the application is for getting the amount returned from the petitioner and, therefore, the police has in fact acted as a recovery agents and lodged this FIR. He has submitted that the present FIR was lodged on 17.1.2018 which is more than three and a half years and is still pending investigation and no action has been taken by the police as yet. He further submitted that respondent Nos. 2, 4 and 5 were served but still they did not present themselves before this Court and has referred to the order passed by this Court on 9.5.2019, in which it is stated that as per the office report, the aforesaid three persons have already been served. So far as respondent No. 3 is concerned, he could not be served because he has left India and he is in abroad. He further submitted that be that as it may, the petitioner has settled the matter with all the four private respondents including the father of respondent No.3 and, therefore, the interim protection granted by this Court to the petitioner on 19.3.2018 may be confirmed.

Mr. Randhir Singh Thind, learned DAG, Punjab on instructions from ASI Buta Singh states that it is correct that for the last 3½ years the matter is still at the investigation stage but in pursuance to the order passed by this Court on 19.3.2018, the petitioner has already

joined the investigation and he is fully co-operating with the investigation process and he is not required for custodial investigation.

In view of the facts and circumstances of the present case and in view of the stand taken by the learned State counsel, the present petition is allowed and order dated 19.3.2018 by which interim protection was granted to the petitioner is, hereby, made absolute.

August 24, 2021
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(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No