

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-2161-2022

Date of decision : 16.11.2022

Manmohan Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Gurmohan Singh Bedi, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

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.22 dated 12.03.2021 registered under Sections 406, 420 IPC and Section 24 of the Emigration Act, 1983 at Police Station Chamkaur Sahib, District Rupnagar.

On 19.01.2022, a coordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel submits that as per allegations in the FIR, the son of the complainant could not reach America and despite settlement, the amount of Rs.26 lacs paid by him to the accused has not been returned. Learned counsel has argued that the alleged amount was paid in the year 2017 and as per allegations in the FIR itself, the son of the complainant actually travelled to Thailand, Turkey and Mexico from where, he attempted to cross the border illegally and was arrested. Learned counsel has drawn the attention of the Court to the compromise dated 26.12.2019 (Annexure P3) between the parties and submitted that despite settlement, the complainant has falsely implicated the petitioner. According to him, in the given facts, the custodial

interrogation of the petitioner may not be necessary.

Notice of motion for 29.07.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

19.01.2022

(MANOJ BAJAJ)
JUDGE”

Learned counsel for the petitioner has submitted that in pursuance of the said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sohan Singh, has submitted that the petitioner has joined investigation and is not required for further investigation.

Learned counsel for the complainant has submitted that in the present case, the matter was at one stage settled and the petitioner had received Rs.26 lacs and out of the same, only Rs.4 lacs has been returned and the rest of the amount has not been returned.

Learned counsel for the petitioner in rebuttal has submitted that as per the FIR, the son of the complainant i.e., Manjit Singh was to be sent to America and he had travelled upto Thailand, Turkey and Mexico and prior to the registration of the FIR, a complaint was made by Manjit Singh, son of the complainant and as per the inquiry report dated 28.12.2019 (Annexure P-2) the matter was compromised and it was specifically stated by said Manjit Singh that he does not wish to take any action on the application. A compromise dated 26.12.2019 (Annexure P-3) has also been placed on record in which said Manjit Singh has made the said statement. It is further submitted that after entering into the compromise, the present FIR

has been registered.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 19.01.2022, and also the fact that the petitioner has joined the investigation and is not required for further investigation, the present petition is allowed and the interim order dated 19.01.2022 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

November 16, 2022
Davinder Kumar

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