

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

201

CRM-M-26453-2021
Date of Decision : 18.04.2022

Surender

--Petitioner

Versus

State of Haryana and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms.Santosh Bhardwaj, Advocate
for the petitioner.

Ms. Shubhra Singh, Addl.A.G., Haryana.

Ms. Hasan Kaur, Advocate
for respondent No.2/complainant.

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TEJINDER SINGH DHINDSA, J.(ORAL).

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in FIR No. 87 dated 05.06.2020 under Section 24 of Immigration Act and Section 406 and 420 IPC (Section 370 IPC added later on) registered at Police Station Nigdhu, District Karnal (Haryana).

On 03.08.2021 while issuing notice of motion, the following order was passed by this Court :-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

This is the second petition preferred by the petitioner under Section 438 Cr.P.C. seeking concession of pre-arrest bail in FIR No.87 dated 05.06.2020 under Section 24 of Immigration Act and Sections 406, 420 IPC (370 IPC added

later on) registered at Police Station Nigdhu, District Karnal.

Counsel at the outset contends that even though the first petition i.e. CRM-M-21554 of 2020 had been dismissed by this Court on 26.10.2020 yet the instant petition would be maintainable in the light of certain changed and subsequent developments.

It is submitted that FIR had been registered on the complaint of Bhupender Singh that a deal was struck for a sum of Rs.30,00,000/- to send the complainant abroad and out of which Rs.23,50,000/- had been entrusted to co-accused Jeevan. Further contended that there was no specific entrustment to the present petitioner.

A compromise/settlement has already been entered into with co-accused Jeevan and on the strength of which Jeevan has been granted benefit of regular bail.

Further asserted that after dismissal of the previous petition on 26.10.2020, present petitioner has also entered into a compromise with the complainant.

Yet another submission raised that even though petitioner is involved in three other FIRs but in each of them petitioner has secured the concession of interim bail.

Notice of motion returnable for 27.09.2021.

At this stage Mr. Sandeep Singh Jattan, Advocate has joined proceedings on behalf of the complainant and concedes to the factum of settlement having been arrived at.

In view of the above, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions as envisaged under Section 438(2) Cr.P.C.”

During the course of hearing today, learned State counsel upon instructions from SI Surender Kumar informs the Court that the petitioner has since joined the investigation and even the challan has been presented on 21.02.2022.

Even counsel representing the complainant does not refute the assertion that has been raised on behalf of the petitioner that a compromise/settlement has since been entered into with the complainant.

In view of the above, present petition is allowed. Order dated 03.08.2021 passed by this Court is made absolute.

(TEJINDER SINGH DHINDSA)
JUDGE

18.04.2022

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |