

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.3388 of 2020
Date of decision: 4th May, 2023

Mandeep Singh & another
... Petitioners
Versus
State of Punjab
... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Pritpal S. Miglani, Advocate for the petitioners.
Mr. Ramdeep Pratap Singh, Sr. DAG, Punjab
for the respondent No.1/State.
Mr. Kuljit Singh, Advocate for the complainant.

MANJARI NEHRU KAUL, J. (ORAL)

The petitioners are seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.461 dated 24.12.2019 under Sections 420, 120-B IPC and Section 24 of the Immigration Act, 1983 registered at Police Station Division No.5, Police Commissionerate Ludhiana.

As per the allegations levelled in the FIR in question, the petitioners lured the complainant into parting with a sum of ₹ 2.61 lacs for helping with his immigration to Canada and for other ancillary charges. Out of the aforesaid amount of ₹ 2.61 lacs, ₹ 50,000/- were given by way of cheque. However, neither was the complainant sent to

Canada nor was the amount given for the said purpose returned by the petitioners to the complainant.

Vide order dated 31.01.2020, the petitioners had been granted concession of interim bail in the following terms:-

“Learned counsel for the petitioners submits that there could be some chances of amicable settlement and that his clients are willing to compensate the complainant provided the complainant is willing to resolve the dispute for some reasonable amount.”

Learned counsel for the petitioners submits that in compliance of the order dated 31.01.2020, the petitioners have joined investigation and cooperated with the investigating agency. It has also been submitted that during the pendency of the instant petition, the parties have arrived at an amicable settlement.

Learned State counsel, on instructions, does not dispute the factum of the petitioners having joined investigation and cooperated with the investigating agency.

Learned counsel representing the complainant, however, has controverted the submissions made by the counsel opposite qua the parties having amicably settled their dispute.

On a pointed query put to the learned State counsel as to whether the custodial interrogation of the petitioners would be required, he, on instructions, has replied in the negative.

I have heard learned counsel for the parties and perused the relevant material on record.

In view of the submissions made and instructions received by learned State counsel, the petition is allowed and the interim order dated 31.01.2020 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioners misuse the concession of bail granted to them, the State would be at liberty to seek cancellation of the bail granted to them.

(MANJARI NEHRU KAUL)
JUDGE

May 4, 2023
rps

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