

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-6836-2023 (O&M)

Date of decision: 28.03.2023

PARDEEP KUMAR @ PARDEEP KUMAR DHINGRA

....Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Aman Sharma, Advocate
for the petitioner.

Mr. Manipal Singh Atwal, DAG Punjab.

Mr. Sarvesh Malik, Advocate
for respondent No.2.

AMAN CHAUDHARY. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in FIR No.0006 dated 04.01.2019, registered under Sections 406, 420, 120-B of IPC and Section 13 Punjab Prevention of Human Smuggling Act, 2012 at Police Station Banur, Patiala.

On 09.02.2023, this Court had passed the following order:-

The present petition has been filed under Section 438 Cr. P.C. for grant of pre-arrest bail to the petitioner in case FIR No.0006 dated 04.01.2019, registered under Sections 406, 420, 120-B of IPC and Section 13 Punjab Prevention of Human Smuggling Act, 2012 at Police Station Banur, Patiala.

Learned counsel for the petitioner submits that the amount in question allegedly taken for the purpose of sending the complainant to Japan has since been returned to the complainant by way of demand draft and in pursuant to which, a compromise has been arrived at between the parties dated 04.02.2023, Annexure P-6. It has been stated therein, the complainant has no objection if the anticipatory bail is granted

to the petitioner, as the full and final settlement has been received by the complainant, who will co-operate in the quashing of the FIR. The petitioner is ready and willing to join investigation as and when required by the investigating agency.

Notice of motion.

At the asking of the Court, Mr. Manipal Singh Atwal, DAG Punjab accepts notice on behalf of respondent-State. Mr. Sarvesh Malik, Advocate appears on behalf of respondent No.2 and affirms the factum of the receipt of the amount and the compromise having been arrived at and also no objection to the grant of anticipatory bail to the petitioner.

Meanwhile, the petitioner is directed to join the investigation on or before 15.02.2023. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer, subject to compliance enshrined under Section 438(2) Cr.P.C.

However, it is clarified that if the petitioner does not join and cooperate with the Investigating Agency as required by the Arresting/Investigating Officer, this interim order shall be deemed to have been vacated.

Adjourned to 28.03.2023.

Learned counsel for the petitioner submits that in pursuance of order dated 09.02.2023, of this Court, the petitioner has not only joined investigation but has also fully cooperated with the investigating agency. He further submits that in case the investigating agency requires the petitioner to appear, he shall make himself available without demur.

Learned State counsel on instructions from ASI Jaswinder Pal affirms the factum of joining the investigation by the petitioner and cooperating with the investigation agency. He also submits that at this stage, the petitioner is not required for further custodial interrogation.

In view of the above and without expressing any opinion on the merits of the case, anticipatory bail petition filed by the petitioner is allowed and the order dated 09.02.2023 granting interim bail to him, is hereby made absolute, subject to compliance of conditions as specified under Section 438(2) Cr. P.C

However, it is made clear that if the petitioner fails to join and cooperate with the investigation agency as and when required, the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to him.

(AMAN CHAUDHARY)
JUDGE

March 28, 2023

M.Kamra

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