

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-8118-2023 (O&M)
Date of decision: 31.10.2023

SUKHWINDER KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. G.S. Bhatia, Advocate for the petitioner.

Mr. Subhash Godara, Additional A.G. Punjab.

Ms. Anmol, Advocate for the complainant.

SANJIV BERRY. J. (Oral)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
8	20.01.2021	420, 120-B IPC; Section 24 of the Immigration Act,	Model Town, Police Commissionerate Ludhiana

2. Learned counsel for the petitioner has handed over a demand draft amounting to Rs.75,000/- dated 30.10.2023, which has been accepted by learned counsel appearing on behalf of the complainant. Copy thereof has been placed on record.
3. Learned counsel for the petitioner as well as complainant are *ad idem* that in terms of compromise arrived at in the Mediation Centre of this Court on 01.08.2023, the entire amount of Rs.4,98,000/- as settled, has been paid by the petitioner to the complainant, which has been accepted.

4. Learned counsel for the complainant submits that the amount of Rs.1 lakh out of the aforesaid amount, which the petitioner had deposited in the Court of learned Illaqa Magistrate/Trial Court Ludhiana in terms of order dated 20.02.2023 be also released in favour of complainant-Amandeep Kaur D/o Sawan Singh.

5. Learned counsel for the petitioner has no objection to the same.

6. Accordingly, it is ordered that that Illaqa Magistrate/Trial Court Ludhiana, wherein the aforesaid amount of Rs.1 lakh has been deposited in compliance of order dated 20.02.2023, on an application moved by the complainant, will release the same in her favour in accordance with law.

7. Learned counsel for the petitioner has further submitted that in compliance to the order dated 20.02.2023 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed. It is submitted that the petitioner will abide by the terms and conditions of the settlement dated 01.08.2023 effected in the Mediation Centre and as per Clause (i), the petitioner will be bound to pay Rs.10,000/- as litigation expenses to the complainant while filing a petition for quashing of the aforesaid FIR.

8. Learned counsel for the complainant also undertakes to abide by the terms and conditions of the aforesaid settlement.

9. Learned State counsel, on instructions from HC Sukhpal Ram, has intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

10. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 20.02.2023 passed by this Court, interim bail granted vide order

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dated 20.02.2023 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

11. The petition stands allowed.

(SANJIV BERRY)
JUDGE

31.10.2023
S.Sharma(syr)

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