

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.17071 of 2023
Date of decision: 2nd August, 2023

Harpartap Singh @ Partap Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Ms. Ramandeep Kaur, Advocate for
Mr. Rahul Bhargava, Advocate for the petitioner.
Mr. H.S. Sullar, Sr. Deputy Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.185 dated 03.11.2018 under Section 420 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Samana, District Patiala.

2. On the last date of hearing, i.e. 11.04.2023, while noticing the following submissions made by learned counsel for the petitioner, this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

“It has been contended by counsel for the petitioner that petitioner was falsely implicated in this case. He submits that after registration of FIR, both the parties have

*amicably resolved the issue and compromise was arrived at between the parties for an amount of Rs.4.00 lakhs out of which the petitioner had already paid Rs.3.00 lakhs. However, after having received the amount of Rs.3.00 lakhs, the complainant backed out from the compromise. He submits that petitioner has already filed a petition for quashing of the FIR, which is pending adjudication. He relies upon judicial precedents of this Court in **Deepak Arora vs State of Haryana**, passed in CRM-M-2601-2013 on 29.07.2015, **Nishan Singh vs State of Punjab**, passed in CRM-M-36879-2016 on 10.08.2018, **Ram Lal vs State of Haryana** passed in CRM-M-16421-2007 on 25.01.2008, **Sandip Somany vs State of Haryana** passed in CRM-M-8431 and 8432 of 2014 and CRM-M-37933-2014 on 23.02.2016 and **Davinder Vaid vs State of Punjab and another** passed in CRM-M-2832-2017 on 04.10.2017. He further submits that petitioner has no criminal antecedents and in view of the above facts, no case for custodial interrogation is made out, however, he is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.”*

3. Learned counsel for the petitioner submits that in compliance of the order dated 11.04.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. In compliance of the previous order, learned State counsel has filed status report by way of affidavit of Sukhamrit Singh Randhawa PPS, DSP, Detective Patiala today in the Court, which is taken on record subject to all just exceptions. He, on instructions, does

not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. Learned State counsel has also not controverted the submissions made by the counsel opposite on the last date of hearing. On further instructions, learned State counsel submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 11.04.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

August 2, 2023
rps

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