

Date of Decision: 22.02.2023
CRM-M-41582-2021

JAGSIR SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CRM-M-41586-2021

MEHAKPREET SINGH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr.Amit Kumar Walia, Advocate
for the petitioner(s) in both the petitions.

Ms. Ruchika Sabherwal, DAG, Punjab.

Mr. Jasdeep Singh, Advocate, for the complainant.

VIVEK PURI, J.(ORAL)

On 29.11.2021, the following order was passed in the main case
i.e. CRM-M-41582-2021:-

“This is a petition filed on behalf of the petitioner for grant of anticipatory bail under Section 438 Cr.P.C. in case FIR No.184, dated 11.09.2021, under Sections 420/120-B of the IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, registered at Police Station Bhawanigarh, District Sangrur.

2. Ld. Counsel for the petitioner submits that the petitioner has been wrongly implicated in the case and the amounts alleged to have been wrongfully obtained by him in any case are motivatedly inflated.

3. He further submits that to show his *bona fide*, the petitioner is willing to pay an amount of ₹3.5 Lacs directly in cash to the complainant and also to deposit an equivalent amount by way of security in the Ld. Trial Court. But, he needs about three weeks' time for making the cash payment and

another six weeks' time to make the security deposit.

4. Ld. Counsel for the complainant submits that at this stage, he has no objection to the prayer of the petitioner for grant of anticipatory bail, conditionally if the petitioner abides by his undertaking and also agrees to have the matter resolved subsequently by way of appropriate mediatory or other purposes.

5. In view of the aforesaid submissions, the petitioner is directed to be released on interim bail till the next date of hearing, subject to payment of ₹3.5 Lacs directly to the complainant within a period of three weeks from today, failing which, this order shall automatically stand vacated and no extension on any grounds will be entertained.

6. To come up on 20.01.2022.”

On 29.11.2021, the following order was passed in CRM-M-41586-2021:-

“In view of the order passed in the connected case, being **CRM-M-41582-2021**, the present petitioner is also ordered to be released on a conditional interim bail till the next date fixed in this Court, subject to the same terms as ordered in the aforesaid connected petition.

To come up on 20.01.2022.”

Learned counsel for the petitioners contend that the dispute has been amicably settled between the parties in terms of the compromise/settlement effected in the Mediation and Conciliation Centre of this Court. As per the settlement, a sum of Rs.9 lac has to be paid to the complainant-Amandeep Singh in three installments. The two installments of Rs.3 lac each have already been paid. Furthermore, as per the settlement, the third and final installment of Rs.3 lac shall be payable on the date when the statement of the complainant for quashing of the FIR is recorded before the learned Magistrate/Court. It has been further submitted that the petition for quashing the FIR on the basis of compromise has already been filed and the

petitioners shall be bound to make the payment of balance amount of Rs.3 lac as per the terms and conditions of the settlement. The petitioners have also joined the investigation in pursuance of interim directions issued by this Court.

Learned State counsel, on instructions from ASI Gian Singh, has not disputed the aforesaid factual aspects and further submits that custodial interrogation of the petitioners is not required.

Learned counsel for the complainant has acknowledged the fact of receipt of Rs.6 lac and submits that in view of the specific contention of the learned counsel for the petitioners for payment of the balance amount of Rs.3 lac as per the terms of the compromise/settlement, he has no objection if the anticipatory bail is granted to the petitioners.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners. Accordingly, order dated 29.11.2021 passed in both the petitions, is made absolute. However, the petitioners are also directed to comply with the provisions of Section 438 (2) Cr.P.C.

Petitions are allowed.

22.02.2023

smriti

(VIVEK PURI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No