

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-50509-2022 (O & M)****Date of decision: 15.02.2023**

Surinderpal Singh

.... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Bhawesh Chaudhary, Advocate, for the petitioner.

Mr. Shubham Kaushik, AAG, Punjab.

JASJIT SINGH BEDI, J. (Oral)

This is the second petition under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in case FIR No.28 dated 15.09.2018 under Section 420 IPC and Section 13 of the Prevention of Human Smuggling Act, 2012 registered at Police Station P.S. Verka, District Amritsar.

2. The allegations against the petitioner are that in order to send the complainants abroad he had taken money from them. However, neither were they sent abroad nor was the amount received by the petitioner, refunded back to the complainants.

3. The learned counsel for the petitioner contends that a compromise has been arrived at between the parties as is borne out from the report of the Mediator dated 13.02.2023. Since the petitioner is in custody since 21.05.2022 and none of the 26 prosecution witnesses had been examined so far, he may be granted the concession of bail. He contends that

in terms of the compromise deed dated 13.02.2023, a post-dated cheque for a sum of Rs.1,50,000/- has been handed over to the complainant-Jaspreet Kaur in the Court today. A copy thereof is taken on record as Mark ‘A’.

4. Jaspreet Kaur mother of Arshdeep Singh (one of the complainants) and Pargat Singh (another complainant) are personally present in the Court and accept the factum of a compromise having been effected. The complainant-Sukhdev Singh is stated to be in Malaysia though his son had appeared before the Mediation and Conciliation Centre. Thus, they admit that a compromise has been arrived at between the parties.

5. The learned counsel for the State also admits that a compromise has been effected between the accused on the one hand and the complainants on the other.

5. I have heard the learned counsel for the parties.

6. Since the money dispute stands settled, the further incarceration of the petitioner who is stated to be in custody since 21.05.2022 is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Surinderpal Singh, is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

(JASJIT SINGH BEDI)
JUDGE

February 15, 2023
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No