

Gurnam Singh

...Petitioner

VS.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms.Rajeev K.Kapila, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 438 Cr.PC with a prayer to grant anticipatory bail in case FIR No. 361 dated 05.11.2023, registered under Sections 420,406 of IPC and Section 24 of Emigration Act, Police Station Tanda, District Hoshiarpur.

2. A short reply by way of an affidavit of Deputy Superintendent of Police, Sub Division Tanda, District Hoshiarpur has been filed on behalf of respondent-State and the same is taken on record.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. Learned counsel for the petitioner further submits that the petitioner had just introduced the complainant to one Kuldeep Singh son of Harbans Singh and the entire amount was paid to the said person only. Learned counsel further contends that vide the compromise deed (Annexure P-3), the matter was compromised between the parties. As per the said compromise, the present petitioner had already paid a sum of Rs.1,00,000/- to the complainant. Without prejudice to his rights to defend himself before the Trial Court, the petitioner has voluntarily offered to hand over a sum of

Rs.50,000/- to the complainant of the present case, within a period of 15 days from today.

4. On the other hand learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner.

5. I have heard learned counsel for the parties and perused the record.

6. It is apparent from the compromise deed (Annexure P-3) that the petitioner had already returned a sum of Rs.1,00,000/- to the complainant and today during the Court proceedings, learned counsel for the petitioner has also offered to return an amount of Rs.50,000/- to the present complainant. Even otherwise, the custodial interrogation of the petitioner may not required, at this stage.

7. Consequently, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 438(2) of the Cr.P.C. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 438(2) of the Cr.P.C.

8. The petitioner is directed to deposit a sum of Rs.50,000/- with the Court of Area Magistrate/Trial Court within a period of 15 days from today and the said amount shall be disbursed to the complainant against proper receipt and identification by the Court. In case, the abovesaid amount is not deposited within 15 days, the present petition shall be deemed to be dismissed.

20.12.2023
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(N.S.SHEKHAWAT)
JUDGE

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