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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-16905-2024

Date of Decision :18.07.2024

MUKHTIAR SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Brijeshwar Singh Bhalla, Advocate for the petitioner.

Mr. Japjot Singh, AAG, Punjab.

Mr. Amit Kumar Saini, Advocate for the aggrieved.

SANJIV BERRY, J. (ORAL)

By way of the present petition filed under Section 438 Cr.P.C,
the petitioner seeks anticipatory bail in case FIR as under:-

FIR No.	Dated	Sections	Police Station
21	21.02.2024	406. 420 IPC, 13 of Punjab Prevention of Human Smuggling Act 2012	Machhiwara, District Khanna

2. Learned counsel for the petitioner has submitted that in compliance of the order dated 02.05.2024, petitioner has joined the investigation. He has also placed on record the copy of bank statement to show that ₹2,00,000/- has been deposited in compliance with the compromise Annexure P-1 as the second installment. He submits that the petitioner will regularly pay the installment in terms of the compromise (Annexure P-1).



3. Learned counsel representing the aggrieved party has opposed the bail application by arguing that he had given amount to the petitioner on the asking of the complainant, as such the petitioner does not deserve concession of bail.

4. Per contra, learned State counsel on instructions from S.I. Jagtar Singh, P.S. Machhiwara, submits that the petitioner had joined the investigation and is no more required for further investigation.

5. Heard learned counsel for the parties.

6. During the course of the proceedings following orders were passed on 02.05.2024:-

“ XX XX XX XX
Heard.

2. *It is interalia contended by learned counsel for the petitioner that settlement Annexure P-1 is already effected between the complainant and the petitioner whereby the part payment has been made and the petitioner undertakes to pay the balance amount as per the schedule mentioned therein.*

3. *Learned counsel for the petitioner further contends that this aspect qua the compromise was already noted by learned Additional Sessions Judge while hearing the petition under Section 438 Cr.P.C. but declined to act upon the same on the plea that the offence under Section 13 of Punjab Prevention of Human Smuggling Act, 2012 is not compoundable.*

4. *S.I. Tara Ram, P.S. Machhiwara present in Court has submitted that such compromise was produced during the course of hearing and even the statement of the complainant was recorded by learned Additional Sessions Judge which finds mention from the order dated 27.03.2024 passed by the court of learned Additional Sessions Judge, Ludhiana.*

5. *Learned counsel appearing on behalf of the aggrieved*



has submitted that he is appearing on behalf of one Ashwani Kumar, aggrieved who is not a complainant in the case and has submitted that in fact Ashwani Kumar had given some of the amount to the petitioner on the asking of the complainant and as such, he is one of the aggrieved party.

6. *Considering all these averments, it is deemed appropriate that the petitioner should join the investigation first before deciding the application on merits, accordingly, the petitioner is directed to join the investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.*

7. *List on 18.07.2024.”*

7. As is evident from the above submissions that the petitioner has joined the investigation in compliance with the aforesaid order and is not required for further investigation. Further, it would not be out of place to mention here that the petitioner has already effected compromise with the complainant vide (Annexure P-1) and as stated by learned counsel for the petitioner and evident from the copy of bank statement, the petitioner has paid two installments of ₹2,00,000/- each, which according to learned counsel for the petitioner will be regularly adhering to the terms and conditions of the compromise (Annexure P-1).

8. Keeping in view all these facts and circumstances, the interim bail granted to the petitioner vide order dated 02.05.2024 is hereby confirmed, subject to petitioner abide by the terms and conditions of the compromise (Annexure P-1) without fail and also conditions as envisaged



under Section 438(2) Cr.P.C. Further, he will not tamper with the evidence nor will influence the witnesses; shall cooperate with the investigation as and when so required.

- 9. The petition stands allowed.
- 10. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

18.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |