

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.33954 of 2023
Date of decision: 15th February, 2024

Inderpal Singh

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ruhani Chadha, Advocate for the petitioner.

Mr. Amandeep S. Samra, Asst. 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.4 dated 27.05.2023 under Sections 406, 420, 120-B of the IPC registered at Police Station NRI (City), District Jalandhar.

2. On the last date of hearing, i.e. 20.11.2023, 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.

“Learned counsel appearing for the petitioner submits that despite making earnest efforts to get in touch with the complainant/her attorney, even through the Investigating Agency, he had not been able to do as the complainant is residing abroad. He submits that however, the petitioner is still trying to get in touch with the complainant/her attorney for settling the matter, hence he be granted an adjournment.”

3. Learned counsel for the petitioner submits that in compliance of the order dated 20.11.2023, the petitioner has joined investigation and cooperated with the investigating agency.
4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. However, he submits that the original agreement (Annexure P-5) has still not been recovered.
5. Learned counsel for the petitioner has, however, rebutted the submissions made by the learned State counsel. He has asserted that the matter already stands settled between the parties and the original agreement had already been handed over to the complainant, who is not even in India nor has her attorney come forward on her behalf.
6. On a pointed query put to the learned State counsel, he on instructions, has not disputed that neither the complainant has come forward as admittedly she is residing abroad, not has her attorney presented himself before the investigating agency.
7. In the circumstances, the petition is allowed and the interim order dated 20.11.2023 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

February 15, 2024
rps

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