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“this Petition Has Been Preferred Under Section 438 of the Vs. State of Punjab

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Court : Punjab and Haryana

Decided On : May-15-2014

Appellant : “this Petition Has Been Preferred Under Section 438 of the

Respondent : State of Punjab

Judgement :

CRM-M No.13014 of 2014 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM-M No.13014 of 2014.

Date of Decision : 15.05.2014.

Rachhpal Singh ...Petitioner Versus State of Punjab ...Respondent CORAM:-
HON'BLE Mr.JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr.Nakul Sharma, Advocate for the petitioner.

Mr.Vaibhav Sharma, Deputy Advocate General, Punjab.

*** Tejinder Singh Dhindsa, J.

(Oral) This order shall dispose of the instant petition preferred under Section 438 Cr.P.C.seeking the concession of anticipatory bail to the petitioner in case FIR No.42 dated 12.06.2013, under Sections 420, 120-B IPC, registered at Police

Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur.

On 23.04.2014, while issuing notice of motion, the following order was passed by this Court : This petition has been preferred under Section 438 of the Code of Criminal Procedure seeking the benefit of anticipatory bail to the petitioner in FIR No.42 dated 12.06.2013 under Sections 420/120-B IPC, registered at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner would contend that even though vide order dated 10.04.2013 passed by learned Judicial Magistrate Ist Class, Batala, the petitioner has been declared proclaimed offender, yet the fact is that the matter has since been compromised between the parties, in this regard affidavit of Tilak Raj has been placed on record as Annexure P/4.

The said Tilak Kanchan Raj has also preferred an application to the Senior 2014.05.16 15:39 I attest to the accuracy and integrity of this document Chandigarh CRM-M No.13014 of 2014 2 Superintendent of Police, Batala (Annexure P/5) for cancelling the FIR in question.

Further more, the deeds of compromise have been placed on record at Annexure P-6 and P-7, which have been entered into between the present petitioner as also Harjinder Singh, Bhupinder Singh, Balbir Singh, Kashmir Singh and Chajju Ram i.e the persons, who had allegedly given money to Ram Singh as also the present petitioner on the pretext of securing the government job.

Notice of motion for 15.5.2014.

In the light of the fact that the matter has been compromised between the parties, it is directed that the petitioner shall surrender before the trial Court within a period of 10 days from today.

In the eventuality of the petitioner doing so, he shall be entitled to ad-interim bail, subject to the satisfaction of the trial Court.

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Learned counsel for the petitioner would submit that the petitioner had thereafter duly appeared before the trial Court and on 2.5.2014, he has been released on bail on furnishing personal bonds to the tune of `50,000/- with one surety in the like amount.

Towards such assertion, counsel would refer to an order dated 02.05.2014 passed by the Judicial Magistrate 1st Class, Batala.

In the light of the factual position noticed here-in-above, the present petition is disposed of in the light of order dated 23.04.2014 being made absolute.

Petition disposed of.

May 15, 2014.

(TEJINDER SINGH DHINDSA) kanchan JUDGE Kanchan 2014.05.16 15:39 I
attest to the accuracy and integrity of this document Chandigarh

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