

(2011) 08 P&H CK 0215

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM M. No's. 12171, 12449 and 34010-2010 (O and M)

Varinder Kumar Sharma

APPELLANT

Vs

State of Punjab and Others

Navraj Singh Vs State of Punjab

RESPONDENT

Date of Decision: Aug. 8, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 34, 420

Hon'ble Judges: Rakesh Kumar Jain, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

Rakesh Kumar Jain, J.

This order shall dispose of three petitions bearing CRM-M-12171-2010 titled as Varinder Kumar Sharma v. State of Punjab and Ors." [for short "first petition"], CRM-M-12449-2010 titled as Rs. Navraj Singh v. State of Punjab" [for short "second petition"] and CRM-M-34010-2010 titled as Rs. Varinder Kumar Sharma v. State of Punjab and Ors." [for short "third petition"]. In the first and second petitions, the Petitioner(s) have prayed for pre-arrest bail in a case registered vide FIR No. 77 dated 24.02.2010, under Sections 420/34 Indian Penal Code, 1860 at Police Station Sadar, Amritsar, whereas in the third petition, the Petitioner has prayed for quashing of the aforesaid FIR qua him.

2. In brief, the allegations contained in the FIR are that the Petitioners had taken money from the complainants in order to settle them in the middle East in a permanent job. The complainants were sent to Dubai twice, but they could not be permanently settled in the middle East as they were made to work there as bonded labourers.

3. The Petitioners in the first and second petitions, being apprehensive of their arrest, had applied for anticipatory bails before the learned Court below but the

same were declined.

4. At one point of time, this Court had referred the matter to the Mediation and Conciliation Centre of this Court to explore the feasibility of a compromise between the parties. However, the compromise could strike only between the Petitioner Varinder Kumar Sharma and the complainants at a sum of Rs. 4,00,000/-. In my order dated 28.07.2011, it is recorded that the entire amount of Rs. 4,00,000/- has already been paid to the complainants. This fact is admitted by Shri Veneet Sharma, learned Counsel appearing on behalf of complainants.

5. Shri Sanjay Vashisth, learned Counsel appearing on behalf of the Petitioner in the first and third petitions, has submitted that in terms of the Full Bench decision of this Court in the case of Kulwinder Singh and Ors. v. State of Punjab and Ors. 2007 (3) R.C.R. (Cri) 1052, the matter can be compounded though the offences are non-compoundable.

6. In view thereof, in the larger interest and in order to bring harmony and peace in the society and to bury the hatchet between the parties for all times to come, the third petition (CRM-M-34010-2010) is allowed and the FIR No. 77 dated 24.02.2010, under Sections 420/34 Indian Penal Code, 1860 at Police Station Sadar, Amritsar is quashed qua the Petitioner Varinder Kumar Sharma on account of compounding.

7. Since the FIR itself has been quashed, therefore, the first petition (CRM-M-12171-2010) for grant of anticipatory bail to the Petitioner Varinder Kumar Sharma has become infructuous and is dismissed as such.

8. In the second petition (CRM-M-12449-2010) filed by Navraj Singh for grant of pre-arrest bail to him, learned Counsel appearing on his behalf states that the Petitioner has joined the investigation. This fact is admitted by the learned State Counsel on instructions received from ASI Bhupinder Singh who has stated that the Petitioner Navraj Singh is No. more required for further investigation. There is No. serious contest to this petition by the learned Counsel appearing on behalf of the complainants.

9. In view thereof, the order dated 26.05.2010 passed by this Court in the second petition (CRM-M-12449-2010) is hereby made absolute subject to the conditions already contained therein.

10. The petition (CRM-M-12449-2010) stands disposed of.

11. Before parting, it is ordered that the amount of Rs. 1,50,000/-, which is lying deposited with ASI Bhupinder Singh, shall be released by him to the complainant(s) against receipt.

12. A photocopy of this order be placed on the files of other connected cases.