

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

Crl. Misc. No.M-15187 of 2017 (O&M)

Date of Decision: July 19, 2017

Raj Kumar Luthra

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jagjit Singh, Advocate
for the petitioner (s).

Ms. Rajni Gupta, Senior DAG, Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 48 dated 27.04.2016 registered for the offences punishable under Sections 420, 506 read with Section 120-B of Indian Penal Code at Police Station Division No. 2, Pathankot.

Heard.

As per the allegations in the FIR, the complainant had a deal with Gaurav Luthra for sending his son Davinder Sharma abroad. He had a number of meetings with Gaurav Luthra and his accomplices. It is stated that when complainant met Gaurav Luthra, his father i.e. Petitioner and mother of Gaurav Luthra, who has already been extended the benefits of pre-arrest bail, were also present and assured him that Gaurav Luthra had arranged work permit for many persons.

Learned counsel for the petitioner submits that the entire deal

of the complainant was with Gaurav Luthra. The petitioner and his wife have already severed relationship with their son and shifted to a rented accommodation in the year 2015. Thereafter, they gave a notice in the newspaper on 14.10.2015 giving information to the general public that they had disowned Gaurav Luthra.

The role of petitioner is a matter being investigated by the police. However, from the allegations in the FIR, it appears that the deal of the complainant was with Gaurav Luthra and not with the petitioner.

Keeping in view the above fact and the petitioner has joined the investigation, this petition is allowed and the order dated 03.05.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

July 19, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No