

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

**1.      Crl. Misc. No.M-29541 of 2017(O&M)  
          Date of Decision: December 19, 2017**

Shahzad Hasan @ Syed Irfaq Hasan

**.....PETITIONER(s).**

**VERSUS**

State of Punjab

**....RESPONDENT(s).**

**2.      Crl. Misc. No.M-41665 of 2017O&M)**

Syed Arshi Hassan

**.....PETITIONER(s).**

**VERSUS**

State of Punjab

**....RESPONDENT(s).**

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present:     Mr. Manuj Nagrath, Advocate for  
                  for the petitioner in CRM-M-29541-2017.

              Mr. Sahil Kaushal, Advocate  
              for the petitioner in CRM-M-41665-2017.

              Mr. C.L.Pawar, Sr. D.A.G., Punjab.

              Mr. K.S.Sandhu, Advocate  
              for the complainant in both the petitions.

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**SURINDER GUPTA, J.(Oral)**

Both the petitions have been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in case FIR No. 138 dated 30.12.2016 registered for the offences punishable under Sections 420 read with Section 120-B of Indian Penal Code, 24 Immigration

Act at Police Station Division No. 3, District Ludhiana.

Heard.

Learned State counsel submits that petitioners have joined the investigation which is still in progress but their custodial interrogation is not required for the purpose of further investigation.

Learned counsel for the complainant submits that FIR was registered after due inquiry and it was proved that payment of ₹10 lac was made to Saddam on asking of the petitioners and in their presence, who stood guarantor for sending son of complainant abroad. He opposed grant of anticipatory bail to petitioner as police has not recovered ₹10 lac paid by complainant.

Saddam has already been arrested in this case and allowed regular bail. The alleged payment to Saddam was made in the year 2011 and FIR was got registered in the year 2016.

Keeping in view the above facts but without expressing any opinion on the merits of the case, both these petitions are allowed. Order dated 11.08.2017 passed in CRM-M-29541-2017 and order dated 22.11.2017 passed in CRM-M-41665-2017 are made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioners shall make themselves available for interrogation by the police as and when required;
- (ii) that the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against them so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioners shall not leave India without the prior

permission of the Court.

- (iv) that the petitioners will seek regular bail on the presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

**December 19, 2017**  
*Jyoti-II*

**( SURINDER GUPTA )**  
**JUDGE**

***Whether speaking/reasoned:*** ***Yes/No***

***Whether Reportable:*** ***Yes/No***