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

CRM-M-45929 of 2017

Date of decision: December 04, 2017

Suraj Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Satbir Gill, Advocate for the petitioner.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Mr. Dhruv Dayal, Sr. DAG Punjab accepts notice on behalf of the State.

At the oral request made by learned counsel for the petitioner, complainant-Gunji Puri is added as party-respondent No.2 to the petition.

Notice to the newly added respondent No.2 also.

Mr. P.S. Ahluwalia, Advocate for complainant-respondent No.2-Gunji Puri appears and accepts notice on behalf of the complainant.

In FIR No.394 dated 14.08.2017, under Sections 420, 120-B of Indian Penal Code, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, the petitioner had applied to the trial Court for grant of anticipatory bail vide application No.4384/2017. The trial Court decided in its order the allegations and counter allegations and in Para-5 recorded the following reasons:-

“Keeping in view the nature and gravity of the offences alleged to have been committed in this case, at this stage the accused-applicant is not entitled to the concession of

anticipatory bail and rather the same may affect the ongoing investigation. Consequently, his bail application is dismissed.”

The recording of reasons is the heart and soul of the order. However, the above reasons show that the trial Court has not applied its mind. The above reasons are no reasons in the eye of law.

Learned counsel for the complainant opposes the petition for grant of anticipatory bail on the ground that multiple and gullible victims have been at the receiving end of the activities of the petitioner.

Without commenting on the merits, I think the following order should subserve the interest of justice:-

ORDER

- (i) The impugned order dated 10.10.2017 is set aside;
- (ii) The petition for grant of anticipatory bail before the trial Court bearing application No.4384 of 2017 is sent back to the trial Court for fresh hearing and disposal by recording appropriate reasons either way;
- (iii) The petitioner shall be responsible in reaching the present order by *dasti* before the trial Court in any case on or before 06.12.2017. The trial Court shall, in the meanwhile, consider the prayer for grant of *ad interim* anticipatory bail on the same day and finally, decide the application for grant of anticipatory bail in any case on or before 15.12.2017;
- (iv) Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

December 04, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No