

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

**CRM-M-502-2017
Date of decision-12.01.2017**

**Harbhajan Singh
Vs.
State of Punjab**

**...Petitioner

...Respondent**

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Arora, Advocate for the petitioner.

JITENDRA CHAUHAN, J. (Oral)

This petition under Section 438 of the Criminal Procedure Code has been filed for grant of anticipatory bail to the petitioner in FIR No.01, dated 17.01.2016 registered under Sections 406, 420 and 120-B of Indian Penal Code and Section 24 of Immigration Act and Section 13 of Punjab Human Smuggling Act, 2012 at Police Station Bholath, District Kapurthala.

Learned counsel contends that petitioner was taken into custody on 19.01.2016 and after the completion of the investigation, when no material evidence could be collected against the petitioner, he was discharged on 19.03.2016 on the subsequent application filed by the prosecution.

Notice of motion.

At the asking of the Court, Ms. Harsimrat Rai, DAG, Punjab accepts notice on behalf of the respondent-State. A complete copy of the paper book has been furnished to the learned counsel, in the Court.

Heard.

Previously while, dealing with the petition of co-accused

Kulwinder Singh, this Court prima facie noticed that the petitioner is the main accused. On the basis of the finding, without there being any fresh evidence, supplementary challan was filed against the petitioner. By way of CRM-M-30164-2016, challenge was laid and vide order dated 05.10.2016 (Annexure P-5), this Court clarified that the right to challenge the investigation inquiry and challan has not been curtailed and it was with a purpose to sensitize the Police Department.

In view of the above and considering the fact that challan stands already presented, it is ordered that the petitioner be admitted to bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court concerned.

Disposed of.

(JITENDRA CHAUHAN)
JUDGE

January 12, 2017

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No