

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

**Crl. Misc. No.M-5164 of 2017 (O&M)
Date of Decision: November 17, 2017**

Vicky @ Victor

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Mohd. Yousaf, Advocate
for the petitioner (s).

Mr. Sandeep Kumar, D.A.G. 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.30 dated 19.10.2016 registered for the offences punishable under Sections 420 read with Section 120-B of Indian Penal Code, at Police Station Dorangla, District Gurdaspur.

Heard.

Learned counsel for the petitioner submits that petitioner has joined the investigation. Even learned lower Court while declining the bail to the petitioner, observed that no money has been transferred in the account of petitioner, however, grant of anticipatory bail was declined on the ground that he has been found belonging to the rest of the accused. In fact, sister of the petitioner was married in the family of complainant to Sadiq Masih and

due to strained matrimonial relations, allegations have also been levelled against the sister of the petitioner Dimple @ Dimpi.

Learned State counsel on instructions from ASI Emanuel Mall, submits that petitioner has joined the investigation on 25.03.2017. The matter is still under investigation. Three of the other accused have not been arrested so far and the proceedings to declare them proclaimed offender are in process.

As per the allegation in the complaint, Ricky @ Jhonson is the agent. Petitioner, Dimpi and Pinki are the other accused. The allegations have been levelled that ₹8 lakh were paid to them from time to time to send the daughter of complainant namely Sonia Bhatti abroad. As per observation of the lower Court, no money has come to the account of the petitioner.

Keeping in view of the above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 17.02.2017 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, which the trial Court

will decide on the basis of evidence collected during investigation.

November 17, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*