

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

Sr. No.203

**CRM-M-35026-2017
Date of decision : 07.02.2018**

Chirag Masih

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Ritesh Pandey, Advocate, for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDHIR MITTAL, J. (Oral)

The present petition has been filed for grant of anticipatory bail in case FIR No.75 dated 13.08.2017, registered at Police Station Dera Baba Nanak (Police Distt. Batala), District Gurdaspur, under Section 420 IPC.

2. As per the version mentioned in the FIR, the complainant went to village Dheedowal in the year 2003. In the said village his in-laws reside. During his visit, his brother-in-law informed him that the petitioner and one Yunush Masih are good at sending people abroad and if he wanted to send his son abroad, he could go and meet them. Then the petitioner is alleged to have visited the house of brother-in-law of the complainant and for consideration of Rs.3 lakhs, it was agreed that son of the complainant would be sent abroad. Rs.40,000/- were paid in advance and Rs.2.60 lakhs were agreed to be paid after getting the Visa. Based on this complaint, enquiry in the matter was conducted and report dated

08.04.2018 was submitted, according to which, the said amount was paid to one Dalbir Singh (Agent) at Delhi and since the cause of action arose at Delhi, the complaint need not be proceeded with. Thereafter, another enquiry report dated 05.11.2018 was submitted, which relied upon the earlier enquiry report and opined that the matter be closed. It is also the case of the complainant himself that his son did go abroad, but came back after thirteen days as he did not get job there.

3. Having heard learned counsel for the petitioner and learned State counsel, I am of the view that the petitioner deserves to be granted anticipatory bail, inasmuch as, the transaction allegedly took place in the year 2003 and the present FIR has been registered on 13.08.2017 i.e. after about fourteen years. Moreover, pursuant to order dated 20.09.2017, the petitioner has joined the investigation and is no more required for further interrogation/investigation.

4. In view of the above, the present petition is allowed and the interim bail granted to the petitioner vide order dated 20.09.2017 is made absolute.

(SUDHIR MITTAL)
JUDGE

February 07, 2018

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No