

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-44735 of 2018

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Date of decision:14.12.2018

Love Kumar Sukhija and another

.....Petitioners

v.

State of Punjab

.....Respondent

....

Present: Mr. Rohit Khullar, Advocate for the petitioners.

Ms. Monika Jalota, Deputy Advocate General, Punjab for the
respondent-State.

Ms. Puja Chopra, Advocate for the complainant.

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Inderjit Singh, J.

The petitioners have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.134 dated 17.7.2018 registered for the offences under Sections 420 and 406 IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station City Samana, District Patiala.

Notice of motion has been issued in this case.

Ms. Monika Jalota, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Ms. Puja Chopra, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties as well as learned

State and have gone through the record.

From the record, I find that the FIR in the present case has been got registered by complainant-Naveen Bansal mainly alleging that the accused-petitioners have taken huge amount of ₹60,65,000/- to send the complainant and his family to America etc.

Learned counsel for the petitioners argued that there is only allegation that ₹18 Lakhs have been deposited in the account of Kanchan Rani wife of Love Kumar Sukhija (petitioner No.1) and he has already given in writing to the Panchayat to sell property of the petitioners and 7 properties have been sold by the Gram Panchayat and more than ₹18 Lakhs have already been paid to the complainant. He argued that the allegations in the FIR are false. Rather, it was only money transaction between them. Keeping in view the fact that 7 properties have been sold by the Gram Panchayat to repay the money etc. in the present case and even some properties have been sold before the registration of the FIR and in view of the fact that the petitioners have already joined the investigation, they are not required for custodial interrogation. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 16.10.2018 passed by this Court granting interim bail to the petitioners is made absolute. However, the petitioners shall join the investigation as and when called upon to do so

and shall abide by the conditions of Section 438 (2) Cr.P.C.

December 14, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No