

CRM-M-44944-2018

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

CRM-M-44944-2018

Date of Decision: 18.12.2018

Sukhwinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Sanjeev Manrai, Sr. Advocate with
Mr. Ajay Singh Parmar, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

None for the complainant.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in case FIR No.236 dated 23.10.2017, registered at Police Station Tanda, District Hoshiarpur, under Sections 406 and 420 of the Indian Penal Code and Section 24 of the Immigration Act, 1983.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and contested this petition.

Earlier, complainant appeared through his counsel, however, none has appeared on his behalf today.

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I have heard learned counsel for the petitioner as well as learned State counsel and gone through the record.

From the perusal of record, I find that the complaint has been filed on the ground that money has been paid for sending the son of complainant to America, but his son was left on the border on 20.12.2015 from where the police arrested him son and was kept in jail for one and half years. His son came back on 24.12.2017 after his release. It is also mentioned in the FIR that when they demanded back the money, the accused refused to give the amount of ₹32 lakhs.

Learned State counsel has brought to the notice of this Court that in the present case, there is no evidence collected that son of the complainant was ever deported etc.

Learned counsel for the petitioner stated that averment that the petitioner has not returned the passport, is also wrong as he had obtained information through RTI and the passport office has informed that loss of passport has been reported to its office.

In pursuance of the interim order dated 17.10.2018 passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. Therefore, no useful purpose will be served by sending him to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The order dated 17.10.2018, granting interim bail

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to the petitioner, is made absolute. However, the petitioner 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.

18.12.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

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