

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-45433-2018

Date of Decision: 06.12.2018

Harbhinder Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Kanwar Pahul Singh, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Jatinder Singh Dadwal, Advocate for the complainant.

...

Inderjit Singh, J. (Oral)

Petitioner Harbhinder Singh has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.40 dated 07.09.2018, registered at Police Station Mattewal, District Amritsar (Rural), under Sections 420 and 120-B of Indian Penal Code and Section 13 of Punjab Prevention of Human Smuggling Act, 2012.

Notice of motion was issued in this case.

Learned State counsel and counsel for the complainant have appeared and contested this petition.

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

From the record, I find that there are specific averments in the FIR that the money has been deposited in the bank accounts and the names of those persons have been mentioned. None of those persons is the accused in the present FIR and no money has been shown to be deposited in

the account of the present petitioner.

It is argued by learned counsel for the complainant that these persons i.e. Rajbir Singh etc. in whose accounts the money has been deposited are the employee of the accused.

In pursuance of the interim order dated 12.10.2018, passed by this Court, the petitioner has already joined the investigation. He is not required for custodial interrogation. No useful purpose would be served by sending the petitioner 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 12.10.2018, granting interim bail 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.

06.12.2018
Jasmine Kaur

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No