

CRM-M-47815-2018

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

CRM-M-47815-2018

Date of Decision: 01.11.2018

Harvinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Mohit Sadana, Advocate,
for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

Mr. Gurinder Pal, Advocate,
for respondent No.4.

INDERJIT SINGH, J. (Oral)

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.60 dated 12.09.2018, registered at Police Station City-I Sangrur, under Section 420 of the Indian Penal Code, Section 24 of the Immigration Act, 1983 and Section 13 of the Punjab Prevention and Human Smuggling Act, 2012.

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

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

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Learned counsel for the petitioner has submitted that respondent No.4/complainant in this case is stated to be employer of Rajesh Kumar. The complainant has stated that he had paid the money to the present petitioner for sending his employee abroad and agreed to pay an amount of ₹11,40,000/-. Learned counsel for the petitioner submitted that the complainant is a money lender and the present petitioner has taken a loan of ₹1 lakh from him. The dispute arose between the complainant and present petitioner when the complainant had demanded the interest @ 10%.

On the other hand, learned counsel for respondent No.4/complainant has challenged these arguments and stated that the present petitioner had taken the money for sending complainant's employee to Canada and the complainant had paid the money for the said purpose.

After going through the record and hearing learned counsel for the parties, without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that no useful purpose will be served by sending the petitioner to custody. Therefore, finding merit in the present petition, the same is allowed. It is ordered that in the event of arrest, the petitioner be released on bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

01.11.2018

parveen kumar

**(INDERJIT SINGH)
JUDGE**

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