

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

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**CRM-M No. 4893 of 2018 (O&M)
Date of Decision : 07.09.2018**

Satnam Singh

...Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR. JUSTICE P.B.BAJANTHRI

Present : Mr.L.S.Mann, Advocate for the petitioners.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. B.S.Jolly, Advocate for the complainant.

P.B.BAJANTHRI, J. (ORAL)

In the present petition, petitioner seeks for pre-arrest bail under the provision of Section 438 Cr.P.C. in FIR No.13 dated 19.01.2018 under Sections 420, 465, 467, 468, 120-B IPC and under Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Sirhind, District Fatehgarh Sahib.

2. While ordering notice of motion, benefit of interim bail has been extended on 06.02.2018. Learned State counsel has filed reply. Today learned counsel for the petitioner submitted that pursuant to the interim bail he has joined the investigation. Further his custodial interrogation is not required as he is not main accused in the alleged incident relating to money transaction in respect of sending to Canada. Learned counsel for the petitioner submitted that the complainants have not handed over money stated to have been given to the accused to the extent of Rs. 2 Lacs and Rs.

28 lacs. It was also submitted that no material has been produced to show that Rs. 28 lacs have been withdrawn from a particular bank or obtain from any person so as to contend that Rs. 28 Lacs has been paid to the petitioner and others. Further it was submitted that petitioner had dis-inherited his son Gurinder Singh who has made transaction with the complainant vide Annexure P-3. It was also contended that respondents have not seized the printing press of the petitioner which is stated to have been used for the purpose of printing fake vizas etc. Co-accused have been granted bail. Thus, no materials have been produced by the State counsel insofar as petitioner's involvement in the alleged incident relating to money transaction between the complainant and accused.

3. Per contra, learned counsel for the respondent-State pointed out that in the FIR petitioner's name has been reflected in respect of money transaction of Rs. 22.5 lacs to the extent that it was received by Gurinder Singh, Satnam Singh-petitioner, Ranjit Singh, Harminder Kaur, Harjit @ Amandeep Singh. It was also pointed out that copies of the vizas which were handed over by the accused namely Gurinder Singh, Satnam Singh-petitioner, Ranjit Singh, Harminder Kaur, Harjit @ Amandeep Singh. Further one Kulwinder Singh who is given his statement before Deputy Superintendent of Police reveals what is the role played by the petitioner in respect of receipt of sum of Rs.5 Lacs and transaction relating to sending the complainant to abroad.

4. Heard the learned counsel for the parties.

5. Question for consideration in the present petition is whether petitioner is entitled to anticipatory bail in continuation of the interim bail granted on 06.02.2018 or not? Petitioner's contention that he is not involved

in the alleged transaction, cannot be accepted for the reasons that in the FIR, petitioner's name has been reflected with reference to money transaction of Rs.22.50 Lacs in the presence of co-accused so also handing over copies of the visas to the complainants and so also a sum of Rs.5 Lacs and handing over of visas. The contention of the petitioner that he was not in Delhi at the relevant point of time except CCTV footage there is no material. Even in the absence of any material in respect of presence of the petitioner at Delhi with reference to CCTV footage is taken into consideration, still the petitioner cannot overcome the receipt of Rs.22.5 Lacs and Rs. 5 Lacs along with Gurinder Singh, Satnam Singh, Ranjit Singh, Harminder Kaur, Harjit @ Amandeep Singh. Even the statement of Kulwinder Singh who has given statement wherein alleged role of the petitioner has been elaborately stated with reference to 2 and 3 events like money and visas transactions when he had visited Satnam Singh along with one Vikas Sood. In this background, release of co-accused on bail would not assist him, since state counsel submitted that petitioner's custodial interrogation is required.

6. In view of these facts and circumstances, petitioner has not made out a case so as to extend the benefit of anticipatory bail. Accordingly, petition stands dismissed.

07.09.2018
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No