

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

CRM-M-22036-2018 (O&M)

Date of Decision:- 17.1.2019

Yadwinder Sharma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rakesh Gupta, Advocate, for the petitioner.

Ms. Simranjeet Kaur, AAG, Punjab.

Ms. Rajni Paul, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Yadwinder Sharma seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.91, dated 1.4.2018, registered at Police Station City, Rajpura, District Patiala, under Section 420 IPC read with Section 13 of Punjab Prevention of Human Trafficking Act, 2012.
2. Ms. Rajni Paul, Advocate has appeared on behalf of the complainant and filed memo of appearance. The same is taken on record.
3. The allegations, in nutshell, are that the complainant's husband was aspiring to go abroad and contacted the petitioner who took an amount of ₹1.5 lacs and sent him to Saudi Arabia. However, shortly thereafter

the complainant who is wife of Brijesh Kumar received a telephone call from her husband who stated that he was being made to do work as a bonded labour and that the employer had also seized his Passport and has virtually trapped him. When the complainant contacted the petitioner, he demanded another amount of ₹35,000/- to secure release of Brijesh Kumar who is the complainant's husband but despite having taken the said amount, the complainant's husband was not released and her husband ultimately managed to escape from the clutches of his employer and returned to India.

4. The learned counsel has submitted that even as per FIR, the petitioner after receiving the agreed amount from the complainant's husband had arranged a Visa to Saudi Arabia and a work permit as well and in fact the complainant's husband stayed for a good 2 years in Saudi Arabia. It has further been submitted that in case the complainant's husband had any dispute with his employer in Saudi Arabia, the petitioner cannot be held responsible for the same who is based in India.
5. Opposing the application, learned State counsel assisted by learned counsel for the complainant, it is submitted that it was only with the aid of the police in Saudi Arabia that the complainant's husband managed to return to India and thus it is evident that the petitioner was in league with the employer of complainant's husband who had been exploiting him.
6. Having considered rival submissions addressed before this Court and while bearing in mind that the petitioner had indeed sent abroad

complainant’s husband abroad where he stayed for a period of about 2 years, it will certainly be debatable as to whether the petitioner also had a role in the alleged kidnapping of the complainant’s husband in Saudi Arabia or in his allegedly having been made to work as a bonded labourer out there.

7. Having regard to the aforesaid facts and circumstances of the case, in my opinion, it is a fit case for grant of anticipatory bail. The petition, as such is accepted. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
8. It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

January 17, 2019
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No