

CRM-M-13237-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Date of Decision : 7.5.2019

Malkit Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Manpreet Singh, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This is a petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.214 dated 30.11.2018 registered under Sections 420, 120-B, IPC and Section 24 of Immigration Act and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Haibowal, District Ludhiana.

On 3.4.2019, the following order was passed :-

“This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.214 dated 30.11.2018 registered under Sections 420/120-B IPC and Section 24 of Immigration Act and 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station Haibowal, District Ludhiana.

As per the allegations the co-accused Ajay Kumar had induced the complainant that he would send him to Singapore and had

charged heavy amount and had struck a deal for Rs.3.50 lakhs out of which Rs.2.00 lakhs were to be given in India and the rest of the money had to be given when the complainant reach Singapore and obtain his job but nothing was done.

The contention of the learned counsel for the petitioner is that the co-accused Ajay Kumar is the actual architect of the sole fraud. The petitioner is running a duly recognized and authorized travel agency. It was the accused Ajay Kumar who had brought the complainant to his office where the petitioner had charged Rs.15,000/- only (wrongly mentioned Rs.25,000/-) and had given professional advice. There is no allegation in the FIR that any other amount was ever given to the petitioner and otherwise the antecedents of the petitioner are clean.

Learned DAG on instructions from HC Harmesh Lal states that the investigation has corroborated the fact that the company of the petitioner is a duly registered travel agency and its antecedents are clean. She however states that at this stage she would not oppose the grant of interim bail but the petitioner should be directed to join the investigation and then the report of the Investigating Officer be awaited to ascertain whether the petitioner is entitled to confirmation of the anticipatory bail.

In the circumstances, I deem it appropriate to direct the petitioner to appear before the Investigating Officer on 08.04.2019 and on any other date as and when his presence is required. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Adjourned to 07.05.2019, to await the report of the Investigating Officer.”

Today counsel for the petitioner has stated that the petitioner has joined the investigation.

Learned DAG on instructions from HC Harmesh Lal has accepted these factual assertions and stated that he is no more required for

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custodial interrogation.

In the circumstances, keeping in view the entire conspectus of facts, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner.

Petition is allowed. Interim order dated 3.4.2019 is made absolute.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

7.5.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No