

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

**CRM-M No.13695 of 2019 (O&M)
Date of Decision : 10.05.2019**

Tejinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Varinder Basa, Advocate
for the petitioner.

Ms.Amarjit Kaur Khurana, DAG, Punjab.

Mr. Dhawaljeet Datta, Advocate
for the complainant.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.26 dated 02.03.2019 registered under Sections 420/120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station City Gurdaspur, District Gurdaspur, Punjab.

On 01.04.2019 the following order was passed:-

“CRM No.11099 of 2019

This application has been moved for placing on record the affidavit in compliance of order dated 27.03.2019.

Criminal Misc. Application is allowed and affidavit is taken on record.

CRM-M No.13695 of 2019

Learned counsel for the petitioner submits that in the initial version of the complaint, the name of the petitioner was not there. Subsequently, his name has appeared in the supplementary statement of the complainant regarding the receipt of amount, whereas, no amount was received by him. Learned counsel also submits that the signatures of the petitioner were obtained on the blank papers and have been misused, whereas, no amount was received by him. No other case of similar nature is pending against the petitioner. The FIR was registered after a period of 2½ years of the alleged occurrence. Petitioner is ready to join investigation.

Notice of motion for 10.05.2019.

Meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer. He shall join the investigation as and when required by the Arresting Officer. He shall also comply with the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, which are as under :-

(i)that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii)that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer;

(iii)that the petitioner shall not leave India without the prior permission of the Court.”

Learned Deputy Advocate General on instructions from SI Tarsem Singh states that though the petitioner has joined investigation he is not prepared to return the money and despite the fact that he has executed

an affidavit also. On the other hand she has accepted the factual averment that the name of the petitioner was not mentioned in the original complaint and that there is a delay of 2 ½ years.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 01.04.2019 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

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

10.05.2019
pooja sharma-I

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No