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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-14623-2019
Date of decision-13.05.2019

Anwar Mohummad

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ghulam Nabi Malik, Advocate for the petitioner.

Mr. Harsimar Singh Sitta, AAG, Punjab.

MANOJ BAJAJ, J.

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.141 dated 12.08.2018 under Sections 420 and 120-B of Indian Penal Code and Section 24 of Immigration Act, 1983 registered at Police Station PAU, Ludhiana. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 02.04.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the alleged amount to facilitate the visit of the complainant abroad was paid by way of cheque issued in favour of Aslam Mughal, who is already on anticipatory bail granted vide order dated 27.02.2019 (Annexure P-2). The

only allegation against the petitioner is that the cheques were delivered to him. According to the learned counsel, petitioner is not beneficiary and therefore, it is debatable issue as to whether any offence is committed by him.

Notice of motion for 13.05.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Rafiq Mohammad does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Rafiq Mohammad further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 02.04.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing

of the final report under Section 173 (2) Cr.P.C.

The petition stands allowed.

13.05.2019
vanita

(MANOJ BAJAJ)
JUDGE

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