

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19736-2019 (O&M)
Date of Decision:- 8.5.2019

Amarjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. G.S.Jagpal, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Amarjit Singh seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.13, dated 15.1.2019, registered at Police Station Division No.7, District Ludhiana, under Sections 420 and 120-B IPC, under Section 13 of Punjab Prevention of Human Smuggling Act and under Section 24 of Immigration Act.
2. The FIR was lodged at the instance of Kiran Bala, wherein it has been alleged that she was aspiring to go abroad and the accused Rajiv Kumar and Amarjit Singh who were known to her represented that they send persons abroad and that they usually charge 11-12 lacs for sending a person to Italy. It is alleged that initially an amount of ₹

6.50 lacs was paid to the accused and thereafter another amount of ₹ 3.10 lacs was paid but despite having received the aforesaid amount of ₹ 9.60 lacs, the complainant was not sent abroad.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact a perusal of the FIR would show that although the FIR is lodged against the two accused namely Rajiv Kumar and petitioner-Amarjit Singh but the complainant has not really clarified as to whom the amount was paid and it has simply been stated that amount was paid to “him”. Learned counsel for the petitioner has further submitted that the matter was inquired into by Assistant Commissioner of Police, Ludhiana, and before whom the complainant stated that the complainant initially deposited a cash amount of ₹ 3,04,000/- in the account of Rajiv Kumar i.e. account bearing No.915010019505664 and that subsequently another amount of ₹6.50 lacs was also paid to Rajiv Kumar in cash in three different installments.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR and is partner of Rajiv Kumar, his complicity in the entire episode is evident and no case for grant of anticipatory bail is made out.
5. Having considered rival submissions addressed before this Court and without commenting anything on the merits of the case and while noticing that the complainant has mainly levelled allegations pertaining to passing on the amount of ₹ 9.60 lacs against co-accused Rajiv Kumar in her statement made before Assistant Commissioner of

Police, Ludhiana, which is mentioned in FIR, in my opinion, the petitioner deserves the concession 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.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

May 8, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No