

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

CRM-M-43281-2018 (O&M)
Date of Decision:-13.2.2019

Gurbhej Singh Chahal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Janak Singh Bhinder, Advocate for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.54 dated 14.6.2018 at Police Station Division No.4, (Lahori Gate), Patiala, District Patiala under Section 420 of Indian Penal Code, 1860 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012.

The FIR was lodged at the instance of Jai Ram, wherein it has been alleged that the petitioner alongwith co-accused Harwinder Singh @ Yuvraj and Jagdeep Singh had taken an amount of ₹6 lacs from the complainant on the pretext of sending complainant's son abroad.

At the last date of hearing, the learned counsel for the petitioner had contended that infact during inquiry it had surfaced that it was only an amount of ₹3.85 lacs, which had been paid by the complainant and out of

which an amount of ₹3 lacs has already been returned to the complainant and only an amount of ₹85,000/- remains unpaid, which is to be returned by co-accused Jagdeep Singh.

The learned State counsel, upon instructions from ASI Balwinder Singh, who is present in Court, has informed that the aforesaid position is correct.

In view of the aforestated position, I find that it is a fit case for grant of anticipatory bail to the petitioner as the unrecovered amount is only ₹85,000/- and which is stated to be recovered from the co-accused Jagdeep Singh. The present petition, as such, is accepted and the interim directions issued by this Court vide order dated 1.10.2018 are hereby made absolute subject to the condition that the petitioner shall join 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.

The present petition stands accepted accordingly.

13.2.2019

pankaj

Whether speaking /reasoned

Whether Reportable

Yes / No

Yes / No

(Gurvinder Singh Gill)
Judge