

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

**CRM-M No. 53015 of 2018
Date of Decision:-25.02.2019**

Vikramjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. S.S. Behl, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

Mr. Raman Chawla, Advocate
for the complainant.

MANOJ BAJAJ J.(Oral)

Petitioner Vikramjit Singh has filed the present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.236 dated 27.10.2018, under Sections 420, 120-B IPC and 13(1) of Punjab Prevention of Human Smuggling Act, registered at Police Station Dugri, Ludhiana.

Learned counsel for the petitioner has contended that the complainant Sukhjinder Singh was inclined to get his family settled in Canada, and being known to the petitioner, the complainant was introduced to co-accused Jatinpall Singh, who is engaged in facilitating the permanent

viza and is running the firm, namely, Eurowise Consultant. It is pointed out that the dealing was between the complainant and Jatinpal Singh and the amount in question was paid by complainant to said Jatinpal Singh. It is further pointed out that the co-accused namely Jatinpal Singh had issued a cheque amounting to Rs.17.50 lacs dated 11.3.2018 in favour of complainant, however, the same had got dishonoured.

This Court vide order dated 01.12.2018 had issued the notice of motion and stayed the arrest of the petitioner till the next date of hearing. Subsequently, on 17.1.2019, the petitioner was directed to join the investigation as and when called by the police.

Learned State counsel on instructions from ASI Kapil Kumar has apprised the Court that the petitioner has indeed joined the investigation, however, the money is yet to be recovered.

Learned counsel for the complainant Mr. Raman Chawla, Advocate has also opposed the bail on the ground that the amount paid has not been received back as the cheque given to the complainant stands dishonoured. However, learned counsel for the State as well as the complainant have not disputed the fact that in fact the money was paid to Jatinpal Singh and the cheque was issued by him in favour of the complainant.

In view of the above facts and circumstances of the case, it is not a case where the custodial interrogation of the petitioner is necessary. Resultantly, the petition is allowed. In the event of arrest, the petitioner is ordered to be released on bail to the satisfaction of the Arresting

Officer/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

February 25, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No