

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-24916 of 2019

Date of Decision: July 23, 2019

Sukhbir Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr. B.S. Bhalla, Advocate for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 52 dated 29.04.2019 under Section 420, 120-B of the Indian Penal Code, 1860 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Bhindi Saidan, District Amritsar. 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 29.05.2019 whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner has been unnecessarily dragged in the instant case and perusal of the FIR indicates that the complainant had struck a deal with co-accused Amarjit Singh and his wife Sukhwinder Kaur for Rs. 12 lacs for sending his son abroad. Still further, it has been contended that the amount of Rs. 5,00,000/- was allegedly given to the petitioner on 18.07.2018 whereas the

passport of the son of the complainant reflects that he was not even in India on the said date.

Notice of motion for 23.07.2019.

Meanwhile, petitioner shall appear before the Investigating Officer on 04.06.2019 and thereafter, as and when directed by the Investigating Agency. He shall fully co-operate in the investigation of this case. In the event of his arrest, petitioner shall be released on interim bail to the satisfaction of Investigating Officer. Petitioner shall comply with the terms and conditions as stipulated in 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 Kawal Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Kawal Singh 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 29.05.2019 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.

July 23, 2019
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[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No