

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

208

CRM-M-30173 of 2019

Date of Decision: November 18, 2019

Amritpal Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr. Varinder Basa, Advocate, for the petitioner.
Mr. Ramdeep Pratap 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.33 dated 15.02.2019 under Sections 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Islamabad, Amritsar, 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 18.07.2019 whereby the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner is running a coaching centre of IELTS and has been wrongly indicted in case FIR No.33 dated 15.02.2019 for violation of the provisions of Punjab Prevention of Human Smuggling Act, 2012. The petitioner never worked as a travel agent and, therefore, there is no question of the alleged violation. He submits that in the given facts, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 18.11.2019.

In the meanwhile, petitioner shall join the investigation and

would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the 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 Nishan Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Nishan 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 18.07.2019 is made absolute.

November 18, 2019
jyoti3

[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No