

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

CRM-M-31794-2019

Date of decision-13.12.2019

Hans Raj

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. D.R.Punia, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, 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.34 dated 04.04.2019 under Sections 420 of Indian Penal Code, 1860, Section 13 of PPHS Act, 2012 and Section 24 of Immigration Act, 1924 registered at Police Station Sadar Banga, District SBS Nagar. 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 26.08.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the alleged transaction took place in the year 2006 and the son of the complainant was sent abroad. However, the FIR in question has been lodged in respect of the alleged breach of promise. According to him, in the given circumstance, the custodial interrogation of the petitioner may not be necessary.

Notice of motion for 13.12.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of 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 Sukhdev Singh does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Sukhdev 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 26.08.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

13.12.2019

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No