

Sr. No.217

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

CRM-M-33177-2019(O&M)

Date of decision:13.11.2019

Pawan Kapur

.....Petitioner

versus

State of Punjab

.....Respondent

Coram: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Amandeep Singh, Advocate
for the petitioner.

Mr. K.K.Bheniwala, Add.AG, Punjab.

Anupinder Singh Grewal, J(Oral)

Petitioner is seeking anticipatory bail in FIR No.16 dated 16.01.2019, under Sections 420, 120-B IPC, 1860, Section 24 of Immigration Act, 1983 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 registered at Police Station Salam Tabri, District Ludhiana.

Learned counsel for the petitioner contends that the allegations are primarily against the co-accused, namely, Bhagwan Singh, who is alleged to have taken money from the complainant for sending them abroad. The petitioner has been arrayed as an accused as he is only an employee of co-accused Bhagwan Singh and there is no allegation that any money was paid to the petitioner. He is not involved in any other case.

A coordinate Bench of this Court, by the order dated 27.08.2019, had directed the petitioner to appear before the Arresting/Investigating officer and join the investigation and in the event of his doing so, he was ordered to be released on interim bail subject to his

furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating officer.

Learned State counsel has filed reply by way of affidavit of Anil Kumar Kohli, PPS, Assistant Commissioner of Police(North), Ludhiana, today in Court. The same is taken on record. Copy thereof, has been handed over to the learned counsel for the petitioner.

Learned State counsel, on instructions from ASI Baljit Singh, states that although the petitioner has joined the investigation but recovery of money is yet to be effected.

In view of the submissions of learned counsel for the petitioner and the petitioner having joined investigation, the order dated 27.08.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

The petition stands disposed of.

13th November, 2019

Shivani Kaushik

[Anupinder Singh Grewal]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*