IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M-974-2020
Date of decision: 25.02.2020

Satnam Singh .....Petitioner

Versus

State of Punjab and another .....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Arpan Sabharwal, Advocate
for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for the respondent-State.

None for respondent No.2-complainant.

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ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in case FIR No.156 dated 17.11.2019 registered under Sections 406/420 of the Indian Penal Code, 1860, Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 and Section 24 of the Emigration Act, 1983 at Police Station Division No.7, District Jalandhar.

While issuing notice of motion vide order dated 13.01.2020 passed by this Court, the petitioner was granted interim anticipatory bail with direction to join the investigation.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has submitted that the the petitioner and his wife have been falsely implicated. Complainant-Respondent No.2 was well aware about the nature of his visa and other attendant circumstances. Complaint was made after expiry of about two years from the date of alleged incident. The petitioner has joined the investigation. His custodial interrogation is not required for effecting any recovery.

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On the other hand, learned Sate Counsel has submitted that in view of gravity of offences, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State counsel, on instructions from Investigating Officer, has acknowledged that in compliance with order dated 13.01.2020 passed by this Court, the petitioner has joined the investigation and admitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and also the fact that investigation and trial are likely to take long time but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 13.01.2020 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

25.02.2020 (**ARUN KUMAR TYAGI**)
Kothiyal **JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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