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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11600-2020
Date of decision: 16.07.2020

Talwinder Singh and another

.....Petitioners

V/s.

State of Punjab

.....Respondent

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Naresh Kumar, Advocate, for the petitioners.

Mr. H.S. Sitta, Assistant Advocate General, Punjab.

Sanjay Kumar, J.

The petitioners, husband and wife, are the accused in FIR No. 125 dated 12.10.2019 on the file of Police Station Longowal, District Sangrur, registered under Sections 420 and 120-B IPC along with Section 13 of the Punjab Prevention of Human Smuggling Act, 2012. By way of this petition, they seek grant of anticipatory bail under Section 438 Cr.P.C.

Perusal of the FIR reflects that the case against the petitioners is that they fraudulently received monies under the pretext of sending the complainant abroad. The sum of Rs. 2,70,000/- was stated to have been deposited in the account of the second petitioner, the wife of the first petitioner. Details were furnished of the deposits made in the bank accounts of both the petitioners. According to the complainant, the first petitioner

called them to Hoshiarpur and Delhi many times.

Given the nature of the allegations which require to be investigated, this Court is of the opinion that custodial interrogation of the first petitioner would be utmost necessary.

Mr. Naresh Kumar, learned counsel for the petitioners, would however assert that the second petitioner, the wife of the first petitioner, is not complicit and that her bank account was also operated by the husband. As to whether she had any active role to play in the commission of the alleged offence would have to be investigated, but her custodial interrogation may not be necessary at this stage.

The petition is accordingly dismissed insofar as the first petitioner is concerned but allowed as regards the second petitioner. In the event of her arrest in FIR No. 125 dated 12.10.2019 on the file of Police Station Longowal, District Sangrur, the second petitioner shall be released on bail upon her furnishing a personal bond for a sum of Rs. 50,000/- along with two sureties for a like sum each to the satisfaction of the Investigating/Arresting Officer. Further, she shall join and cooperate with the investigation and shall abide by all the other conditions prescribed under Section 438(2).

(SANJAY KUMAR)
JUDGE

16.07.2020

rakesh

whether speaking/non speaking : Yes/no

whether reportable/non reportable : Yes/no