

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-11998 of 2020(O&M)

Date of Decision: 27.07.2020

Pardeep Kumar

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Ms. Arti Kaur, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG., Punjab.

LISA GILL, J (Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 41 dated 25.02.2020, under Section 420 IPC, Section 13 of Punjab Travel Professional (Regulation) Act, 2014 and Section 24 of the Immigration Act, registered at Police Station Nawanshahr, District SBS Nagar.

Contentions on behalf of the learned counsel for petitioner as noted while issuing notice of motion on 06.05.2020 in this case, are reproduced as under:-

“It is contended that the petitioner is, in fact, an Auto-rickshaw driver and has nothing to do with immigration of persons.

Moreover, allegations in the FIR, of extortion of Rs.35,000/- by the petitioner, for sending the complainant to Dubai in December, 2018 are clearly malafide and highly improbable. Furthermore, it is not possible that in case the complainant had been detained for 15 days by the petitioner in 2018, no complaint whatsoever has been made by her till the registration of the FIR in February, 2020. The petitioner, it is submitted, is not involved in any other criminal case.”

It is thus prayed that the present petition be allowed.

Learned counsel for the respondent-State, on instructions from ASI Sukhdev Singh, verifies that the petitioner is plying an auto-rickshaw since the last one year, though it is submitted that prior thereto, he was involved with the immigration of people. However no details of any office maintained by the petitioner or of any firm or company with which he was associated, are forthcoming. It is verified that the petitioner is not involved in any other criminal case.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition is allowed.

In the event of arrest of the petitioner, he be released on bail to the satisfaction of the Arresting/investigating Officer. The petitioner shall join investigation as and when called upon to do so. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is clarified that none of the observations made hereinabove

shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

27.07.2020
s.khan

[LISA GILL]
Judge

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