

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.16293 of 2020
Date of Decision: September 04, 2020

Harbans Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sarju Puri, Advocate,
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Mr. G.S.Bhatia, Advocate,
for the complainant.

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.56 dated 02.06.2020, under Sections 406, 420 IPC, 24 of Immigration Act, 1983 and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014, 1860, registered at Police Station, Rahon, District S.B.S.Nagar. The petitioner apprehended his arrest at the hands of police in the above FIR.

On 09.07.2020, following order was passed:-

“This case has been taken up through Video Conferencing via Webex facility in the light of Pandemic Covid-19 situation and as per instructions.

As per version of the complainant, a sum of Rs.3,30,000/- was paid to the petitioner to facilitate her travel abroad. Allegations is that the complainant had duped of such

amount. On 06.07.2020 the following order was passed by this Court:

“The matter has been taken up through video conferencing in the light of the pandemic COVID-19 situation and as per instructions. Learned counsel for the petitioner states that petitioner is ready and willing to make entire payment. To show his bona fide, he undertakes that petitioner will deposit an amount of `1 lakh within two days. Post against on 09.07.2020.”

Mr. Sarju Puri, learned counsel representing the petitioner submits that a draft of Rs.1,00,000/- has been made over to the complainant. Such assertion is not rebutted by Mr. G.S. Bhatia, Advocate for the complainant.

Mr. Sarju Puri, Advocate, submits that a further sum of Rs.1,00,000/- would be paid to the complainant within a period of six weeks from today. Statement is accepted. List on 24.08.2020. Arrest of the petitioner in the meanwhile shall remain stayed.”

Learned counsel for the petitioner has contended that pursuant to the above order dated 09.07.2020, the petitioner has joined the investigation and a sum of Rs.1.00 lac has already been paid by him to the complainant and another sum of Rs.1.00 lac shall be paid on or before 24.09.2020.

This fact is not disputed by the learned counsel for the complainant, who states that a sum of Rs.1.00 lac has been received by complainant. According to the learned State counsel, the petitioner has joined the investigation and is not required for any custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 09.07.2020 is made absolute. It is made clear that in case balance amount of Rs.1.00 lac is not paid by the

petitioner, the complainant can seek cancellation of bail.

September 04, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

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