

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

**CRM-M-16918-2020 (O&M)
Date of decision: 11.08.2020**

Dalip Kumar

...Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through the instant petition under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in case FIR No. 20 dated 23.01.2020 registered under Sections 406, 420, 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014, at Police Station Rama Mandi, District Jalandhar.

Learned counsel for the petitioner states that the petitioner is a poor person and earns his livelihood by doing the labour work. On the other hand, the complainant is an educated person and is a Reporter in the Daily Newspaper Punjab Kesri. Thus, it does not stand to the common logic that the complainant would ever hand over money to the petitioner or to some

other person on his asking. It is further contended that even as per the contents of the FIR, no money changed the hands between the complainant and the petitioner and the allegations have been levelled with a view to humiliating and harassing the petitioner, reason being that he is the father-in-law of the main accused, Rakesh.

Pursuant to the order dated 07.07.2020, status report by way of affidavit dated 31.07.2020 of Assistant Commissioner of Police, Central Jalandhar, was filed on 28.07.2020.

While making reference to the said report, learned State counsel vehemently contends that it has been found in the inquiry conducted by the ACP (Detective), Jalandhar, that the petitioner and his wife had played a key role in persuading the complainant to hand over the money to co-accused Rakesh, who is none else but their son-in-law. It has further been contended that the sources/trails of the money handed over to co-accused Rakesh, have duly been established and thus, it cannot be said that the complainant is not guilty of committing any offence.

I have heard the learned counsel for the parties.

There is no denying the fact that co-accused Rakesh, who had been entrusted with the money, is the son-in-law of the petitioner. The allegations in the FIR qua the petitioner and his wife are that it was on their asking and assurance that the complainant had handed over the money to co-accused Rakesh to send him abroad. However, neither he was sent abroad nor the money was returned.

The allegations of entrustment of the money to co-accused Rakesh and his being the son-in-law of the petitioner, having been established during the inquiry proceedings, this Court is of the opinion that the custodial interrogation of the petitioner to unearth the racket of the people involved in human trafficking (Kabooterbazi) is necessary. Therefore, I do not find any ground to grant him the concession of anticipatory bail.

In view of the above, the present petition is dismissed.

(HARNARESH SINGH GILL)
JUDGE

11.08.2020

ds

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No