

S.No.120

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

CRM-M-18321 of 2020 (O&M)

Date of Decision:13.07.2020

Jaswant SinghPetitioner

Vs.

State of HaryanaRespondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Nikhil K. Chopra, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.140 dated 28.05.2020 registered under Sections 406, 420 IPC and Section 24 of Immigration Act at Police Station Madhuban, District Karnal.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The name of the petitioner is not even mentioned in the FIR. Not even remotely, it is suggested by the complainant that the petitioner was also involved in this incident. The entire allegation of the complainant are against one Mahavir alias Anil, who is employed in the Police. The name of the petitioner is alleged to be involved only on the basis of some alleged disclosure statement made by said Mahavir Singh alias Anil. However, the petitioner has never had any communication or connection with the said Mahavir alias Anil.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State. Mr. Pankaj Bali, Advocate appears for the complainant.

Learned State Counsel, on instructions from ASI Salinder, submits that the name of the petitioner has surfaced during the investigation, when the co-accused Mahavir alias Anil stated that the entire amount has been paid to the petitioner. However, it is not explained why the said entire amount was paid to the present petitioner. Learned State Counsel has also not disputed that there is no evidence of any prior communication/ connection between the petitioner and the above-said police official Mahavir alias Anil.

Learned counsel appearing for the complainant, though has stressed upon the allegations against the petitioner, however, he has also not disputed that the complainant had not paid any money to the petitioner. The complainant has also not pointed out any connection/ communication with the petitioner regarding the incident of sending the complainant abroad.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

July 13, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No