

S.No.103

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

CRM-M-19432 of 2020 (O&M)

Date of Decision:21.07.2020

Gurwinder Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

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IN VIRTUAL COURT

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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Jaideep Verma, 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.343 dated 26.06.2020 registered under Sections 406, 420 IPC & Section 10 and 24 of Immigration Act at Police Station Pehowa, District Kurukshetra, Haryana.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. The falsity of the case is exposed by this very fact that the petitioner is alleged to be the brother of the main accused Jagjit Singh in the FIR. However, the petitioner is not connected with the said Jagjit Singh in any manner whatsoever. It is further submitted that even as per the allegations of the prosecution, the entire amount has been paid to Jagjit Singh. There is no allegation in the FIR that any amount was ever paid to the petitioner. Not only this, even no role is attributed, specifically, to the petitioner. The petitioner is a student of B.Tech 6th semester. There is no other case against the petitioner. Hence, the petitioner deserves protection against arrest.

Notice of motion.

Mr. Anmol Malik, DAG, Haryana, accepts notice on behalf of the State.

Learned State Counsel submits that the name of the petitioner is specifically mentioned in the FIR. Still further, it is submitted that as per the statement made by the father of the complainant, an amount of Rs.3 lakh was paid to the petitioner as well; because he had assured a safe passage at the Immigration Office. Therefore, it is submitted that amount of Rs.3 lakh is to be recovered from the petitioner. However, it is not disputed that the petitioner is not directly related to Jagjit Singh. A bare perusal of the FIR also shows that the entire allegation qua payment of money is against co-accused Jagjit Singh. No amount is stated to have been paid to the petitioner.

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 21, 2020
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(RAJBIR SEHRAWAT)
JUDGE

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