

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

(Proceedings conducted through video conferencing)

CRM-M No. 20666 of 2020(O&M)

Date of decision: 28.7.2020

Gurnam Singh

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Siddharth Sharma, Advocate for the petitioner.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of bail in anticipation of arrest in FIR No.28 dated 25.04.2019 registered at Police Station Dhilwan, District Kapurthala for offence punishable under Sections 420, 120 of the Indian Penal Code, 1860 (in short 'IPC') and Section 13 of the Prevention of Human Smuggling Act, 2012.

Counsel for the petitioner would argue that petitioner is neither a travel agent nor had obtained any money from the complainant. It is further argued that Sandeep Kumar @ Deepa, co-accused in the case, issued a cheque of Rs.15 lakhs, dishonoured on its presentation to the Bank, resulting in initiation of proceedings under Section 138 of the Negotiable Instruments Act, 1881 against said Sandeep Kumar. It is further argued that issuance of cheque by said Sandeep Kumar goes a long way to show that entire money was received by said Sandeep Kumar and nothing was paid to the petitioner. The last submission made by counsel is that the petitioner is ready to join investigation and co-operate throughout.

Taking into consideration the allegations raised in the FIR, noticed by the Court below in order dated 19.06.2019 coupled with that petitioner has failed to make out a prima facie case with regard to his false involvement in the crime, it is not a fit case where the petitioner deserves to be extended benefit of bail in anticipation of arrest, a discretionary relief to be allowed in special circumstances.

Dismissed.

JULY 28, 2020

‘D. Gulati’

Whether speaking/reasoned :

Whether reportable :

(REKHA MITTAL)

JUDGE

yes/no

yes/no