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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.21286 of 2020 (O&M)

Date of decision: 08.10.2020

Parveen Kumar @ Ford

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

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

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.307 dated 08.07.2020 registered under Sections 406, 420, 370, 384, 506 IPC and 24 of the Immigration Act, 1983 at Police Station Gharaunda, District Karnal.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered at the instance of Ramphal Singh, the petitioner represented him that he can send the son of the complainant namely Prashant to USA. The complainant being a small farmer managed to collect some money and it was settled that the complainant will pay Rs.15 lacs for sending the son of the complainant to USA. Thereafter, on 22.10.2018 an amount of Rs.8 lacs was given and the son of the complainant Prashant was sent to Mexico for sending him illegally to USA and with great difficulty, when he reached USA, he

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was arrested by the police and ultimately, deported back to India on 21.11.2019. It is further submitted that the allegations are that a total amount of Rs.15,50,000/- was paid to the petitioner, who had a contact with one Prashant Vashisth for making arrangement to send the son of the complainant abroad.

Counsel for the petitioner has further argued that in pursuance to the order dated 31.07.2020, the petitioner has joined the investigation. It is further submitted that the petitioner is a government servant and is working as a Gram Sachiv, who was appointed against a seat meant for sports quota.

Reply by way of affidavit of the Deputy Superintendent of Police, Gharaunda, District Karnal is on record and as per the reply, on verification of the allegations made in the FIR, it is stated that the complainant has sold some of his land to pay the amount and it is also verified that an amount of Rs.15.50 lacs is paid to the petitioner.

In reply, counsel for the petitioner has argued that the petitioner is not averse to exploring the possibility of some amicable settlement and to show his bona fide, he is ready to deposit an amount of Rs.5 lacs with the Illaqa Magistrate, without prejudice to his right of defence, with a condition that the said amount may be kept in an FDRs subject to final outcome of the case.

After hearing the counsel for the parties and considering the fact that the petitioner is ready to explore the possibility of some amicable settlement and is also ready to deposit the amount of Rs.5 lacs with the Illaqa Magistrate, this petition is allowed and the order dated 31.07.2020 is made absolute subject to the conditions envisaged under

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Section 438(2) Cr.P.C.

Liberty is granted to the Investigating Officer to summon the petitioner by issuing a notice in writing, as and when, he is required to join the investigation.

The petitioner is given 01 month time i.e. upto 09.11.2020, to deposit the amount of Rs.5 lacs with the Illaqa Magistrate/trial Court, and the said amount will be kept in an FDRs, subject to the final outcome of the case, without prejudice to the right of defence of the petitioner.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

08.10.2020

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No