

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 215

CRM-M-22190-2020

Date of decision : 25.11.2020

Surta

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Bhupender Singh, Advocate, for the petitioner.

Mr.P.P.Chahar, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks the grant of anticipatory bail in FIR No.99 dated 24.06.2020, registered under Sections 406, 420 IPC (Sections 370 and 384 IPC added later on) and Section 24 of Emigration Act, 1983 at Police Station Kunjpura, District Karnal.

Briefly stated, the case of the prosecution is that the petitioner alongwith his co-accused had been paid Rs.35 lakhs by the complainant for legally sending the complainant's son-Sahil to Canada. However, after receiving the money the petitioner and his co-accused backed out of their promise and illegally send the complainant's son to United States of America where he was arrested and later deported back to India.

Learned counsel for the petitioner submits that the petitioner, who is aged 80 years, has been falsely implicated in this case; there is no other criminal case in which he is involved; there is an unexplained delay in lodging the FIR; co-accused Neelam who is petitioner's daughter and Seema wife of the

main accused-Pawan who had approached this Court through CRM-M-20253-2020 “*Neelam vs. State of Haryana*” and CRM-M-23652-2020 “*Seema vs. State of Haryana*” have been granted anticipatory bail by this Court on 09.10.2020 and 01.09.2020 respectively and that under the interim orders passed by this Court the petitioner has not only joined the investigation but has also fully cooperated with the investigating agency.

Learned State counsel on instructions from ASI Shailender Kumar submits that there is no other criminal case in which the petitioner is involved; under the interim orders passed by this Court the petitioner has not only joined the investigation but has also fully cooperated with the investigating agency and that his custodial interrogation is not required by the State.

Keeping in view the totality of the above noticed facts especially the statement made by the learned State counsel that the petitioner has joined the investigation and his custodial interrogation is not required, the order of this Court dated 11.08.2020, granting ad interim anticipatory bail to the petitioner is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

25.11.2020
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No