

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

205

CRM-M-24214-2020
Date of Decision: 23.11.2020

GURMAIL SINGH

....Petitioner

VS

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sandeep Kumar, Advocate,
for the petitioner.

Mr. Sukhdeep Singh Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 282 dated 26.07.2020, under Section 370, 406, 420 and 506 IPC, 1860 and u/s 24 of Emigration Act, 1983 at Police Station Pundri, District Kaithal. The petitioner apprehended his arrest at the hands of police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 25.08.2020 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner inter alia submits that the allegations made in the FIR are false. The complainant went to Ecuador on tickets purchased through co-accused Satpal on a valid travel VISA and tried to enter United States illegally. He was caught and deported and thereafter the present story has been concocted. The false story is evident from the fact that the complainant has alleged that a sum of Rs. 7 lacs was paid in India to get him released from the jail in the United States of America and that he was released after payment of the said amount. No agent in India can be expected

to get an under trial released from the jail in the United States of America. Moreover, the parties have reached an amicable settlement.

Notice of motion for 23.11.2020.

Mr. Munish Sharma, AAG Haryana, accepts notice on behalf of the respondent-State and waives service.

Mr. Gaurav Jaglan, Advocate puts in appearance on behalf of the complainant and waives service.

In the meantime, the petitioner is directed to join investigation with the Investigating Officer on 07.09.2020 at 10.00 a.m. and cooperate therewith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/SHO concerned subject to his compliance of the conditions enshrined under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from SI Bhagirath, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 25.08.2020 is made absolute.

23.11.2020
monika*

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No