

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-28493-2019 (O&M)
Date of Decision:-10.1.2020

Atul Anand

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Inderjit Sharma, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by ASI Balbir Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.0002 dated 7.1.2019 at Police Station Sadar Tarn Taran, District Tarn Taran under Section 420 of Indian Penal Code and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, wherein the allegations, in nutshell, against the petitioner are to the effect that he had taken an amount of ₹11 lakhs on the pretext of sending complainant's son namely Karanveer Singh abroad.
2. The learned counsel for the petitioner has submitted that he had merely introduced the complainant to 'M/s Moves Education and Immigration Private Limited' and that the said agency had applied for 'VISA' on behalf of complainant's son but since the complainant's son was an addict and was into

bad company, he was not granted study 'VISA' and that pursuant to declining of the 'VISA' in question, an amount of ₹2.7 lakhs approximately which had been transmitted to the university concerned, had been returned back

3. The aforestated position is not disputed by the learned State counsel.
4. During the course of arguments, the learned counsel for the petitioner also drew the attention of this Court to the photographs of the complainant's son, which show that he is carrying some weapons. In these circumstances, when it is established that requisite applications had been submitted for obtaining 'VISA' which were declined, it will be debatable as to whether it is a case where the petitioner had any role in alleged duping of the complainant or as to whether it is on account of the conduct or antecedents of the complainant's son himself that the 'VISA' was not be granted to him.
5. In any case, since the petitioner is stated to have joined investigation, this Court finds that it is not a case, which would warrant custodial interrogation. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 8.7.2019 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

10.1.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No