

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

CRM-M-38743-2019
Date of decision: 23.1.2020

VICKY SHARMA @ VIKRAM SHARMA

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Tarun Sharma, Advocate for
Mr. R.S. Bajaj, Advocate for
the petitioner.

Ms. Rashmi Attri, AAG, Punjab
assisted by SI Gurmail Singh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.12 dated 20.4.2018, under Sections 420 of IPC, Section 24 of Immigration Act and Section 13 of Punjab Prevention of Human Smuggling Act, Police Station Sadar Pathankot, District Pathankot.
2. The allegations in nut-shell are to the effect that the petitioner has taken an amount of ₹1 lakh from the complainant Ajay Kumar on the pretext of sending him abroad.
3. Learned counsel for the petitioner submits that the matter in fact is just a dispute with regard to some monetary transactions and in any case, the petitioner in order to show his *bona-fides* has already deposited an amount of ₹1 lakh in the Registry of this Court pursuant to order dated

12.9.2019.

4. Learned State counsel has informed that the petitioner has since joined investigation.
5. In view of the nature of allegations and the fact that the petitioner has deposited amount of ₹1 lakh which is stated to be amount in question, this Court is of the opinion that the facts do not warrant custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 23.10.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer 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.
6. The amount which has been deposited by the petitioner with the Registry of this Court be transmitted to the trial Court which shall invest the same in some FDR. The amount in question shall be released to the petitioner in case he is acquitted of the charges framed against him but in case, he is found guilty the same shall be released to the complainant.
7. The petition stands accepted in the above-mentioned terms.

(GURVINDER SINGH GILL)
JUDGE

23.1.2020
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**