

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

212

CRM-M-47770-2019

Date of decision: 15.01.2020

Dharminder Singh @ Dharam Chauhan

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Ms. Sapna Seth, Advocate for the petitioner.

Mr. Arun Kaundal, DAG, Punjab
for respondent No.1.

ARUN KUMAR TYAGI, J (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") is for grant of anticipatory bail to the petitioner in case FIR No.0103 dated 14.10.2019 registered under Sections 406 and 420 of the Indian Penal Code, 1860; Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 and Section 24 of the Immigration Act, 1983 at Police Station Sadar Nawanshahar, District SBS Nagar.

While issuing notice of motion on 08.11.2019, this Court had granted the interim anticipatory bail to the petitioner with direction to join the investigation.

Learned State counsel has appeared on behalf of respondent No.1-State and opposed the bail application.

As per office report, respondent No.2 has been duly served but none has appeared on his behalf.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner has submitted that the petitioner was falsely implicated in the present case. The petitioner has joined the investigation. Nothing is to be recovered from him and his custodial interrogation is not required.

Learned State counsel, on instructions from Prem Lal, has acknowledged that in compliance with order dated 08.11.2019 passed by this Court, the petitioner has joined the investigation and submitted that his custodial interrogation is not required for effecting any recovery.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the concession of anticipatory bail.

Therefore, the petition is allowed and order dated 08.11.2019 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

15.01.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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