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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 17.11.2021

1. CRM-M No.6608 of 2020 (O&M)

Sagar

....Petitioner

Versus

State of Punjab

....Respondent

2. CRM-M No.6693 of 2020 (O&M)

Sagar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in the petition i.e. CRM-M No.6608 of 2020, is for grant of anticipatory bail to the petitioner in FIR No.124 dated 13.08.2019 registered under Sections 420 and 120-B IPC at Police Station Baghapurana, District Moga and prayer in the petition i.e. CRM-M No.6693 of 2020, is for setting-aside the order dated 17.01.2020 passed by the Sub-Divisional Judicial Magistrate, Baghapurana, District Moga, in FIR No.124 dated 13.08.2019, vide which the petitioner has been declared as proclaimed offender.

Counsel for the petitioner has argued that as per the allegations in the FIR, registered on a joint complaint given by

Bhupinder Singh, Harinder Singh and Nirbhay Singh, they were know to co-accused Paramjit Singh Khosa, who was running an Immigration Centre. It is further case of the complainants that they had a deal with Paramjit Singh Khosa, regarding sending one person along with his family to Canada and in that process, they paid Rs.24.00 lacs to him. It is further submitted that the petitioner was an employee of Paramjit Singh Khosa and the only allegation against him is that a sum of Rs.30,000/- each was paid by the complainants to the petitioner for the purpose of conducting the medical examination at MAX Hospital, which is a pre-condition for applying VISA for Canada. It is further stated that as per the actual bill given by MAX Hospital, Mohali, a total sum of Rs.24,000/- per family was incurred and it is the case of the complainant itself in the FIR that the medical was got conducted. It is further argued that apart from this, there is no other allegation that he being an employee of Paramjit Singh Khos, has helped the complainant's side in completing the formalities for applying VISA. It is also submitted that the main accused Paramjit Singh Khosa, has already been arrested and released on bail.

Counsel for the petitioner (in CRM-M No.6693 of 2020) has argued that during the pendency of the present petition, the trial Court/Illaqa Magistrate has declared the petitioner as proclaimed offender vide order dated 17.01.2020, however, the petitioner is ready to join the investigation and surrender before the trial Court and apply for regular bail.

Counsel for the State has not disputed the factual position but opposed the prayer for bail.

After hearing the counsel for the parties, considering the allegations against the petitioner in the FIR and also in view of the fact that the petitioner was only assigned some amount for their medical examination, which was in fact, got conducted at MAX Hospital through the petitioner and the remaining amount was paid to the co-accused Paramjit Singh Khosa, who was arrested and later, released on bail and challan *qua* him has already been presented, I deem it appropriate to allow both these petitions.

Ordered accordingly.

The petitioner (in CRM-M No.6608 of 2020) is directed to appear before the Investigating Officer within a period of 10 days to join investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the following conditions:-

- 1. He shall make himself available for interrogation by a police officer as and when required;*
- 2. He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
- 3. He shall not leave India without previous permission of the Court.*

In case the petitioner is in possession of the passport of the 03 complainants, the same will also be handed over to the Investigating Officer.

It will be open for the Investigating Officer to issue a notice in writing to the petitioner to join the investigation as and when required by him.

In view of the above, the petition i.e. CRM-M No.6693 of 2020, is also allowed and the order dated 17.01.2020, declaring the petitioner as proclaimed offender in FIR No.124 dated 13.08.2019, is set-aside and the petitioner is also directed to surrender before the trial Court within a period of 15 days from today and the trial Court will release him on bail subject to his furnishing bail/surety bonds.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

17.11.2021
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No