

CRM-M-22637-2021

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

CRM-M-22637-2021

Date of decision: 12.11.2021

Hardeep Singh and another

...Petitioners

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Ms. Vijay Lakshmi, Advocate,
for the petitioners.

Mr. Harpreet Singh Multani, AAG, Punjab.

Mr. Jagjeet Singh, Advocate for
Mr. P.S.Kanwar, Advocate,
for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Through this petition, the petitioners seek anticipatory bail in case FIR No.184 dated 22.12.2019, registered at Police Station Bullowal, District Hoshiarpur, under Sections 420 and 120-B IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012.

Short reply by way of affidavit of the Deputy Superintendent of Police, Sub Division Hoshiarpur has been filed in the Court today. The same is taken on record.

Learned counsel for petitioners contends that the petitioners have falsely been implicated in the present case; that neither they were named in the FIR nor any role was attributed to them, and that they had never received any amount from the complainant for sending him abroad.

Learned State counsel assisted by the learned counsel for the complainant, submits that during the inquiry conducted by the

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Superintendent of Police, Cyber Crime, Jalandhar Range, Jalandhar, it was found that an amount of Rs.2,99,000/- had been deposited in the account of petitioner No.1-Hardeep Singh and Rs.3 lakh in that of petitioner No.2-Manjot Singh.

However, the learned counsel for the complainant submits that Gurmeet Singh son of Hardeep Singh is the main accused.

I have heard the learned counsel for the parties.

Neither the petitioners were named in the FIR nor any role was attributed to them.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds that the petitioners are not required for custodial interrogation and no useful purpose would be served by sending them to custody. Therefore, finding merit in the present petition, the same is allowed. The petitioners are directed to join the investigation as and when called upon to do so and if they are sought to be arrested, they shall be released on anticipatory bail to the satisfaction of Investigating Officer/Arresting Officer, subject to the conditions as envisaged in Section 438 (2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioners do not cooperate with the investigating agency, the investigating agency would be at liberty to move an appropriate application for cancellation of bail.

12.11.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No