

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.202

CRM-M-24350-2021

Date of decision: 17.12.2021

Jatin Bhoria

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Edward Augustine George, Advocate
for the petitioner.

Mr. Sumit Jain, Addl. A.G., Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.389 dated 04.07.2020 registered under Section 24 of the Emmmigration Act, 1983 and Sections 406, 420, 506 IPC and Section 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) at Police Station Assandh, District Karnal.

On November 15, 2021, this Court had passed the following order:-

“Status report filed by the State is ordered to be taken on record.

For arguments, adjourned to 17.12.2021.

Learned Senior counsel appearing for the petitioner inter-alia contends that the petitioner has been falsely implicated in this case; in the FIR the allegations are only against co-accused Anil and Karan, who allegedly took money from the complainant on the pretext for getting the complainant's son immigrated to Australia; the petitioner has been arrayed as an accused only on the strength of an alleged disclosure statement by a

co-accused in police custody which has no evidentiary value; even if the case of the prosecution is taken as the gospel truth, though vehemently denied, the only allegation against the petitioner is with regard to the transfer of an amount of Rs.80,000/- by the co-accused – Anil in the account of the petitioner which was for purchase of air ticket of the complainant's son from Delhi to Bangkok as also against visa charges; the petitioner got arranged the ticket and visa and returned the balance amount of about Rs.27,000/- to Anil and in this regard entries in his bank is produced (taken on record as Annexure-A); the petitioner has no criminal antecedents and that the petitioner is also ready and willing to join the investigation as and when called by the investigating agency.

After considering the above statement, it is directed that till the adjourned date, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No.389 dated 04.07.2020 registered under Sections 406, 420, 506 IPC and Section 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Assandh, District Karnal, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Before the adjourned date, the State shall file a status report as to whether the petitioner has joined and cooperated with the investigation.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation.

After considering the above submissions made on behalf of the petitioner in the afore-quoted order and the submission made by learned State counsel that the petitioner has joined the investigation process as also for the reason that he does not have any criminal antecedents, it is directed that the interim order of this Court dated 15.11.2021, granting ad interim anticipatory bail to the petitioner is made absolute.

December 17, 2021
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(DEEPAK SIBAL)
JUDGE

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