

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

Sr. No. 205(3)

CRM-M No. 36110 of 2020 (O&M)

Date of decision : 08.03.2021

Rajesh Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Sukesh K. Jindal, Advocate for the petitioner.

Mr. Dhruv Sheoran, DAG, Haryana.

Mr. Baldev Singh Dhillon, Advocate for the complainant.

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DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.626 dated 18.11.2019 under Sections 406, 420, 120-B IPC (Sections 10 & 14 of the Immigration Act added later on) registered at Police Station Pehowa, district Kurukshetra.

Briefly stated the case of the prosecution is that the petitioner and his co-accused demanded and received over Rs.27.13 lakhs from the complainant to send him to Canada but after receiving the said amount the complainant was illegally sent to other foreign countries where he was arrested and later deported.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the case simply because he witnessed the exchange of money between the complainant and other co-accused; the petitioner had no knowledge as to for what purpose such money was being paid by the complainant; the allegations against the petitioner were gone into in detail by the Deputy Superintendent of Police, Pehowa and the petitioner was found innocent; such inquiry report by the Deputy Superintendent of Police was also approved by the Superintendent of Police, Kurukshetra; there is no other criminal case in which the petitioner is involved and that under the interim order passed by the Court the petitioner has shown his *bona fide* by joining investigation as and when called by the police.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the investigation in this case is still going on and if released on bail, the petitioner may influence the investigation process as also for the reason that he may indulge in similar offences.

The allegations against the petitioner were gone into by the Deputy Superintendent of Police, Pehowa and through a detailed report placed on record as Annexure P-8 the petitioner was found innocent; when such report was placed before the Superintendent of Police, Kurukshetra no dissent was recorded thereupon; the petitioner is not involved in any other criminal case and that under the interim order passed by the Court the petitioner has shown his *bona fide* by joining investigation process as and when called by the police.

In view of the above, the interim order of this Court dated

05.11.2020, granting ad interim anticipatory bail to the petitioner is made absolute.

08.03.2021

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No