

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

206

CRM-M-5325-2022

Date of decision: 04.04.2022

BAKSHISH SINGH AND ANR

.....PETITIONERS

Versus

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Sherry K.Singla, Advocate
for the petitioners.

Mr. A.A.Pathak, Addl. A.G., Punjab

SANT PARKASH, J. (ORAL)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioners, in case, FIR No. 291 dated 31.12.2021 registered under Sections 406/420/120-B of the Indian Penal Code, 1860 and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station City Rajpura, District Patiala.

While issuing notice of motion on 09.02.2022, this Court granted interim anticipatory bail to the petitioners with direction to join the investigation. Relevant part of order dated 09.02.2022 reads as under :-

“The allegation against the petitioners is that they along with their co-accused persons committed fraud and duped the complainant for Rs.4 Lakh on the pretext of sending him abroad.

Notice of motion for 04.04.2022.

Mr. Tanvir Joshi, Assistant Advocate General, Punjab accepts notice on behalf of the respondent State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

Subject to deposit of an amount of Rs.4 Lakh before the concerned Illaqa Magistrate within a period of two

weeks from today, the petitioners shall be allowed to appear before SHO/Investigating Officer to join investigation and in the event of arrest, petitioners shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

- (i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;*
- (ii) that the petitioners 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;*
- (iii) that the petitioners shall not leave India without the previous permission of the Court..”*

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioners has, while reiterating submissions made on 09.02.2022, submitted that in compliance with order dated 09.02.2022, the petitioners have joined the investigation and they may be granted anticipatory bail as their custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from A.S.I. Jagdish, acknowledged that in compliance with order dated 09.02.2022 passed by this Court, the petitioners have joined the investigation and that their custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioners 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 petitioners deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 09.02.2022 granting interim bail to the petitioners is made absolute.

Learned Counsel for the petitioners has further placed on record the receipt of deposit of amount of Rs. 4 Lakhs.

Learned trial Court is directed to deposit the aforesaid amount in the shape of FDR in the name of Court itself so that the wining/successful party may not loose the interest to be accrued upon the said amount.

04.04.2022
kavneet singh

(SANT PARKASH)
JUDGE

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