

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(239)

CRM-M-27472-2021

Date of Decision : January 12, 2022

Sandeep Singh

.. Petitioner

Versus

State of Haryana and another

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Hitender Kansal, Advocate, for the petitioner.

Mr. Karan Garg, Assistant Advocate General, Haryana.

Mr. Nonish Kumar, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 417 dated 26.06.2020 registered under Sections 406, 420 and 506 of the Indian Penal Code, 1860 read with Section 24 of the Immigration Act at Police Station Karnal Sadar, District Karnal.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court dated 16.07.2021. Order dated 16.07.2021 is as under:-

“Prayer is for grant of anticipatory bail in case FIR No.417 dated 26.06.2020 under Sections 406,420,506 IPC and Section 24 of Immigration Act registered at Police Station Karnal Sadar, District Karnal.

FIR was lodged on the complaint of one Shiv Kumar, who stated that his son Vishal aged about 20 years, was to go

abroad. Vishal knew Pardeep Kumar. Pardeep Kumar introduced victim Vishal to the petitioner, who was dealing in the job of sending people abroad and that he would send Vishal to Austria on work permit. Thereafter, Vishal contacted the petitioner who asked for Rs.14 lacs to send him abroad. It is alleged that a sum of Rs.3.50 lacs was transferred into bank account of the petitioner by the complainant on 19.12.2019. Vishal handed over his passports, School Certificates and other relevant documents including Aadhar Card to the petitioner. The petitioner allegedly got booked flight ticket and prepared visa papers of son of the complainant. Showing that his flight was booked for 19.01.2020, the petitioner took a sum of Rs.5 lacs from the complainant. Later, he informed that flight of son of the complainant has been cancelled. Then, he got booked another flight ticket dated 03.02.2020 and received the remaining sum of Rs.3,50,000/- in cash from the complainant. Complainant alleges that he had arranged the amount by selling his four acres of land.

Learned counsel for the petitioner admits that the petitioner had received Rs.3,50,000/- from the complainant but it was a friendly loan advanced by the complainant. The petitioner is willing to return the said amount to the complainant. He denies having received any amount over and above the said sum. However, he is not averse to settle the dispute with the complainant. He states that the petitioner is not involved in the business of sending people abroad. There is no other case registered against the petitioner.

Notice of motion for 25.10.2021.

On the oral request of learned counsel for the petitioner, the complainant is impleaded as party respondent No.2. Learned counsel undertakes to supply fresh memo of parties before the next date of hearing.

Let notice be issued to complainant-respondent No.2 as well on furnishing of his complete address.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned State counsel, on instructions from ASI Vijay Kumar, states that in terms of the order passed by the Coordinate Bench of this Court reproduced before, the petitioner has joined the investigation and no further interrogation of the petitioner is required at this stage.

Learned counsel for the petitioner undertakes that petitioner will join investigation and also cooperate with the investigating agency in case he is required for the same in future as well.

In view of the above, the order dated 16.07.2021 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

January 12, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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