

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

CRM-M No.27482 of 2021 (O&M)

Decided on: 23.05.2022

Surjit Singh

....Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Brijender Kaushik, Advocate for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Ms. Amandeep Soni, Advocate for respondent No.2.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.60 dated 31.05.2021 under Sections 406, 420 IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Ghanaur, Patiala.

The operative part of the order dated 16.08.2021, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“....Learned counsel for the petitioner submits that the FIR was registered at the instance of complainant Varinder Singh, stating that his sister-inlaw is residing in the house adjoining to house of the petitioner. The petitioner told her that if any person wants to go abroad, he can help him. On this, sister-inlaw of the complainant introduced the petitioner with the complainant and a deal was settled for sending him to USA for Rs.25.00 lacs. It was agreed that Rs.1.00 lac will be paid in advance and Rs.24.00 lacs will be paid on reaching USA. Thereafter, the complainant was sent to USA, however, he was sent through illegal means and he was apprehended at Mexico border and thereafter, he was deported back by the American agency. It is further submitted that in fact, complainant was sent to USA by one Amrik Singh, resident

of Karnal and there is no evidence that he had paid any amount through bank transactions. It is own case of the complainant that he was trying to go to USA through illegal means and he was apprehended and was sent back to India.

Learned State counsel has not disputed the factual position. It is also not disputed that allegations against the petitioner are of receiving the amount in cash and no bank transaction took place.

List again on 30.11.2021....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 16.08.2021, the petitioner has appeared before the Investigating Officer and has joined the investigation.

Counsel for the State on the basis of the affidavit of the Deputy Superintendent of Police, Circle Ghanour, District Patiala has not disputed the aforesaid fact and submits that the petitioner is no more required for further investigation.

Counsel for the complainant has, however, submitted that the petitioner is involved in one more case and has not returned the amount back.

Be whatsoever, considering the fact that the petitioner has joined the investigation, this petition is allowed and the interim bail granted to the petitioner vide order dated 16.08.2021, which was though vacated on 26.04.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

(ARVIND SINGH SANGWAN)
JUDGE

23.05.2022
yakub

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No