

S.No.207

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

CRM-M-46879-2021 (O&M)

Date of Decision:13.01.2022

Daljit Singh and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Ms. Gaganjot Kaur, Advocate for
Mr. Manvinder Singh Sidhu, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.

This is first petition filed under Section 438 Cr.P.C for releasing the petitioners on anticipatory bail in the event of their arrest in case FIR No.161 dated 15.06.2021 registered under Sections 420, 120-B IPC and Section 13 of Punjab Prevention of Human Smuggling Act, 2012 at Police Station City Ferozepur.

On 09.11.2021, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case in fact the petitioners had given a loan of Rs.12,50,000/- to the complainant party and with respect to the same, Raj Singh son of complainant Munsha Singh had issued a cheque dated 25.08.2019 for the said amount (Annexure P-2) and the said cheque was dishonoured on 11.11.2019 and in lieu of the same, the petitioner had served a legal notice dated

13.11.2019 to the complainant party (Annexure P-4) and the moment said legal notice was received by the complainant party, the complaint dated 26.11.2019 was initiated, on the basis of which the present FIR has been registered against the petitioners. It is argued that there is no proof that the complainant had paid any money to the petitioner and the alleged payments have been stated to be made in the year 2016 then in 2019, which is impossible to believe as there is a gap of three years for sending grandson of the complainant abroad. It is submitted that the petitioner is not involved in any other case in fact, he had filed a civil suit against the complainant party.

Notice of motion.

On advance notice, Mr.N.K.Banka, DAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 13.01.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner and the State Counsel on instructions from ASI Baldev Singh, submit that the petitioners have joined

the investigation on 03.01.2022 and are not further required for investigation.

Keeping in view the facts, as noticed in the order dated 09.11.2021, and also the fact that the petitioners have joined the investigation and are not further required for investigation, the present petition is allowed and the interim order dated 09.11.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

January 13, 2022
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(VIKAS BAHL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No