

205 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-49106-2021
Date of Decision: 01.02.2022

Mohit Sharma

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Ishma Randhawa, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through Video Conferencing)

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 0094, dated 11.05.2019, under Section 420 of the IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, registered at Police Station Civil Lines, Police Commissionerate Amritsar.

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order dated 24.11.2021, passed by this Court, which is as under:-

“The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No.0094 dated 11.05.2019 registered under Section 420 of the IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 at Police Station Civil Lines, Police Commissionerate, Amritsar.

Learned counsel for the petitioner argues that in the present FIR, the allegations are against the father-

in-law of the petitioner namely, Joydeep Mukherjee and one Ankush Daveskar and no money has ever been handed over to the petitioner but, still only to put pressure upon the other co-accused, the petitioner has been roped in the present FIR. Learned counsel for the petitioner submits that the petitioner is ready to join and cooperate in investigation and, therefore, he be granted the benefit of anticipatory bail.

Notice of motion for 01.02.2022.

Mr. Sandeep Singh Deol, DAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State.

Learned State counsel submits that as per the allegations mentioned in the FIR, no money was handed over to the petitioner but, as the petitioner was working alongwith his father-in-law, the custodial interrogation of the petitioner is necessary to find out the truth.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

In the present case, there are no allegations alleged against the petitioner for receiving any money for sending the complainant abroad. Even, the allegations alleged in the FIR are yet to be proved during the course of trial. As nothing is to be recovered from the petitioner, the purpose of investigation will be achieved in case, the petitioner is directed to join and cooperate in investigation.

The petitioner is directed to join the investigation forthwith. In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following

conditions:-

- (i) That he shall make himself available for interrogation by the police officer as and when required.*
- (ii) That he 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 the said facts to the Court or to any police officer.*
- (iii) That he shall not leave India without prior permission of the Court.*
- (iv) That he shall abide by all the conditions as enshrined under Section 438(2) Cr.P.C.”*

Learned State counsel, who has also joined the proceedings through video conferencing, on instructions from ASI Kuldeep Kumar, states that in terms of the order of this Court reproduced before, the petitioner has joined the investigation and no further interrogation 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 24.11.2021 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 shall be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

01.02.2022

Apurva

(HARSIMRAN SINGH SETHI)
JUDGE

1. Whether speaking/reasoned: Yes

2. Whether reportable: No