

206-A

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

CRM-M-54735-2021

Date of decision:04.04.2022

SUMIT KHANNA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Arshdeep Singh, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. In FIR No.105 of 02.09.2018, registered at Police Station Tibba, District Police Commissionerate Ludhiana, offences constituted under Sections 420, 120-B of IPC, and, under Section 13 of Punjab Prevention of Human Smuggling Act, 2012, are embodied.

2. The incriminatory role, as assigned to the present bail petitioner is of his on promise of sending abroad the complainant alluring him to deposit a sum of Rs.1,01,000/- with him. However, the afore deposited sum of money, and, as received by the present bail petitioner, despite the above promise being breached, never became returned to the complainant. Therefore, the FIR with offences (supra), became registered against the present bail petitioner before the Police Station concerned.

3. Be that as it may since the afore allegations *prima-facie* at this stage, are under investigation, thereupon, as a pre-condition for this Court not ordering for the custodial interrogation of the bail petitioner, hence for his making recoveries of amounts received by him, under the afore pretext,

from the complainant, this Court deems it fit, and, appropriate to direct him, to as a pre-condition, for admitting him to anticipatory bail, to deposit a sum of Rs.25,000/- before the investigating officer concerned. Upon the afore deposit being made before the investigating officer, the latter shall make its deposit in the *malkhana* of the Police Station concerned, and, thereafter, upon a report under Section 173 Cr.P.C., becoming instituted by him, before the learned Magistrate concerned, he shall cause its deposit in the establishment of the learned Magistrate concerned. Subsequently, the disbursement of the afore deposited sum of money, shall be subject, to the outcome of the trial, as, becomes entered into by the learned Judicial Magistrate qua FIR (supra).

4. The afore imposed condition being made by the bail petitioner, therefore, in the event of the arrest of the bail petitioner, he may not be arrested by the investigating officer concerned, however subject to his furnishing before him personal, and, surety bonds in a sum of Rs.25,000/- each, with an undertaking therein that, as, and when he is summoned through a written *hukamnama*, served upon him, he shall ensure his presence, and, shall render the fullest cooperation to the investigating officer concerned. In addition, he shall not tamper with prosecution evidence nor shall influence the prosecution witnesses.

5. Disposed of.

6. Dasti copy.

(SURESHWAR THAKUR)
JUDGE

04.04.2022

Ithlesh

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No