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

CRM-M-46959-2019

Date of Decision: 28.07.2022

Ranjodh Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Jasneet Kaur, Advocate,
for the petitioner.

Mr. Davinder Bir Singh, DAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case bearing FIR No.124 dated 27.07.2019, under Sections 420, 120-B & 506 of the IPC and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012 later on added Sections 467, 468 & 471 of the IPC, registered at Police Station Goindwal Sahib, District Tarn Taran.

Learned counsel for the petitioner has submitted that the petitioner was granted interim relief from this Court on 20.11.2019 when his arrest was stayed, and thereafter, the interim order was continued. She further submitted that for more than 2½ years, the petitioner has been visiting the police station and has been joining the investigation and has also fully cooperated with the investigation process. She also submitted that it is a case

where the allegations against the petitioner were pertaining to taking of money amounting to Rs.15 lacs for sending the son of the complainant abroad and apart from the same, allegedly some cheques were also issued for the purpose of repayment. She further submitted that the petitioner was falsely implicated in the present case and he has already joined the investigation, and therefore, the interim protection granted to him may be made absolute. She has also submitted on instructions that in future also the petitioner undertakes to join the investigation as and when called by the I.O.

On the other hand, Mr. Davinder Bir Singh, learned Deputy Advocate General, Punjab, has stated on instructions from ASI Prem Singh that the petitioner has already joined investigation. However, he has raised an objection that the amount involved in the present case was Rs.15 lacs which has not been paid back by the petitioner, and therefore, opposed the grant of anticipatory bail to the petitioner.

I have heard the learned counsel for the parties.

This Court vide order dated 20.11.2019 had stayed the arrest of the petitioner and the same order was thereafter continued. It is not disputed that the petitioner has already joined the investigation. The only objection raised by the learned State counsel is that the money has not been returned back by the petitioner. During the course of arguments, learned State counsel has also raised another argument that the petitioner was instrumental in providing fake visa for Canada. It is a settled law that the police cannot become a recovery agent and apart from the same, even cheques were also stated to have been given by the petitioner. It is yet to be established as to whether the petitioner has been instrumental in issuance of fake visa if any or

not. The FIR is of the year 2019 and the police has not been able to present challan before the competent Court.

Therefore, this Court is of the view that the present petition deserves to succeed. Consequently, the present petition is allowed and it is directed that in case the petitioner is required in future then he shall not only join the investigation but also cooperate with the investigation process and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

28.07.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |