

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

CRM-M-58785-2022

Date of Decision: 16.12.2022

AMIT SHARMA

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Bharat Puri, Advocate for the petitioner.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.0204 dated 15.10.2022 registered at Police Station City Phagwara, District Kapurthala (Annexure P-2) under Sections 406, 420 and 120-B IPC and Section 13 of Punjab Travel Professionals (Regulation) Act, 2014.

Learned counsel for the petitioner *inter alia* submits that complainant had paid a sum of Rs.25,000/- towards file preparation charges and no other amount for procuring visa for Canada has been charged from the complainant. The petitioner is not engaged in arranging visa whereas petitioner is providing immigration consultancy. The alleged payment was made in December, 2020 whereas FIR has been registered on 15.10.2022. There is no explanation for such a huge delay.

Learned counsel further submits that petitioner would be satisfied, if Investigating Officer issues summons in terms of section 41-A of Cr.P.C. as well judgment of Hon'ble Supreme Court in ***Satender Kumar Antil Vs. CBI*** and ***Arnesh Kumar Vs. State of Bihar***.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, accepts notice on behalf of the respondent-State.

Learned State counsel on instructions from ASI Bakshish Singh submits that two more cases are pending against the petitioner, however, Investigating Officer would proceed against the petitioner after compliance of mandate of Section 41-A of Cr.P.C. as well judgment of Hon'ble Supreme Court in *Arnesh Kumar Vs. State of Bihar 2014 (8) SCC 273*.

Disposed of.

(JAGMOHAN BANSAL)
JUDGE

16.12.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>