

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-51454-2019 (O&M)
Date of Decision:- 17.1.2022

Kashmir Singh and another

.... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mohit Garg, Advocate, for the petitioners.

Mr. C.L.Pawar, Sr. DAG, Punjab,
assisted by ASI Labh Singh.

Mr. Baljinder Singh Sra, Advocate, for the complainant.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered against them vide FIR No. 293, dated 17.11.2019, under Sections 406, 420 and 120-B of the Indian Penal Code, 1860, Section 12 of the Passports Act, 1967, and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Patran, District Patiala.

2. At the time of issuance of interim directions the following order was passed on 19.12.2019:

“The petitioners are seeking anticipatory bail in FIR No. 293 dated 17.11.2019, under Sections 406, 420 and 120-B of the Indian Penal Code, 1860, besides Section 12 of the Passports Act, 1967, and Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Patran, District Patiala.

Learned counsel for the petitioners contends that the allegations in the FIR are primarily directed against the daughter and son-in-law of the petitioners. He also contends that the petitioners have been falsely implicated on the basis of their relationship with the other accused, as the daughter and son-in-law of the petitioners are residing abroad. No money had been paid in the accounts of the petitioners and they have no concern with the business of their daughter and son-in-law. He also states that their daughter and son-in-law had married against their wishes and sought protection from this Court. A copy of the order of this Court granting them protection is appended at Annexure P2. He also contends that the petitioners are not involved in any other case.

List on 22.01.2020.

In the meantime, the petitioners are directed to appear before the Investigating Officer and join investigation. In the event of their arrest, the Investigating Officer/Arresting Officer shall release the petitioners on ad-interim bail subject to his/her satisfaction. The petitioners shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

3. The learned State counsel, upon instructions from ASI Labh Singh, has informed that pursuant to interim directions issued by this Court, the petitioners have since joined investigation and that their custodial interrogation are not required. It has however, been informed that the petitioners are not wanted in any other case.
4. In view of the aforesaid submission, the petition is accepted and the interim directions issued by this Court vide order dated 19.12.2019 are hereby made absolute subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

17.1.2022

Mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No