

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

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CRM-M-29428-2023

Date of Decision :-19.07.2023

Vikram Dutt

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Saini, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No. 195 dated 04.05.2023, under Sections 406, 420 and 120-B of IPC, registered at Police Station Kurukshetra University, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of order passed by the Coordinate Bench of this Court on 05.06.2023. Order dated 05.06.2023 is as under:-

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 195 dated 04.05.2023, under Sections 406, 420 and 120-B of IPC, registered at Police Station Kurukshetra University, District Kurukshetar.

Learned counsel for the petitioner inter alia contends that complainant has paid alledged money to Ranbir who assured the complainant to send his brother, brother's wife and son to America. All the three persons were sent to Azerbaijan from where they were sent to Khazikstan. They were further sent to Indonesia. The petitioner has arranged tickets at the behest of Ranbir.

There is no direct dealing between the complainant and petitioner. The petitioner has charged money for arranging the tickets, thus, there is no cheating on the part of petitioner. The petitioner is ready to join investigation and face proceedings. There is no possibility of flee from justice. The arrest would cause irreparable loss, mental agony, embarrassment and humiliation to petitioner as well entire family.

Notice of motion, returnable for 19.07.2023.

On the asking of Court, Ms. Dimple Jain, DAG, Haryana, who on advance notice, is present in court, accepts notice on behalf of State-respondent.

Having considered contents of the FIR, role attributed to the petitioner, gravity of offence, sentence prescribed for commission of alleged offence, arguments put forth by the petitioner and law enunciated by Hon'ble Supreme Court in Thana Singh v. Central Bureau of Narcotics, (2013) 2 SCC 590, Arnab Manoranjan Goswami V. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil V. CBI (2022) 10 SCC 51, Siddharam Satlingappa Mhetre V. State of Maharashtra & Ors., 2010 SCC OnLine SC 1375, Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 Supreme Court Cases 565, this Court is of the prima facie opinion that petitioner deserves protection from arrest. Accordingly, at the first instance, the petitioner is directed to appear before investigating officer on 13.06.2023 and thereafter as directed by IO. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of investigating/arresting officer. The petitioner shall co-operate the investigating officer.

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the arresting officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced

by observations of this Court.”

Learned State counsel on instructions from S.I., Nafe Singh states that in terms of the order of the Coordinate Bench of this Court reproduced hereinabove, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 05.06.2023 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 co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 19, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No