

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

**CRM-M-30582-2023 (O&M)
Date of decision : 09.08.2023**

Naveen Hans @ Raja

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for respondent No.1.

None for respondent Nos.2 & 3.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.0150 dated 29.10.2022, under Section 420 of the Indian Penal Code, 1860; Section 24 of the Immigration Act, 1983 and under Section 13 of the Punjab Prevention of Human Smuggling Act, 2012, registered at Police Station Nurpur Bedi, District Rupnagar.

(2) It transpires that above FIR was registered on the basis of statement made by complainant-Rekha to the effect that one Ranjit Singh promised to send her son to America with 10 years' Visa for Rs.24 Lakh. The

complainant transferred Rs.14 Lakh through Bank and Rs.10 Lakh was given in cash. Complainant also gave 06 cheques and 06 blank cheques were given by her husband. On the contrary, complainant's son was sent through America's *jungle* (forest) and is currently confined in America Prison. When confronted, Ranjit Singh threatened to kill the complainant, hence the present FIR.

(3) This Court, vide order dated 15.06.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that the matter has been amicably settled between the parties at their own level.

Notice of motion.

Ms. Monika Jalota, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State, whereas, Mr. Amit Mehta, Advocate, causes representation on behalf of complainant(s)-respondent Nos.2 & 3; and both seek time to have instructions and/or file written response in the matter.

Posted on 09.08.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on furnishing adequate bail and surety bonds to his satisfaction. The petitioner shall also abide by all the conditions as envisaged under Section 438(2) of the Code of Criminal Procedure, 1973.”

(4) Learned State Counsel, on instructions from SI Dharam Pal, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required. Also submits that matter has been compromised by the parties at their own level.

- (5) In view of above, interim order dated 15.06.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
- (6) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
- (7) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
- (8) Disposed off accordingly.

August 9th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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