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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-41176-2023 (O&M)****Date of decision: 16.10.2023**

Harpartap Singh

...Petitioner

versus

State of Punjab

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**Present:-** Mr. Rahul Bhargava, Advocate for petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

MAHABIR SINGH SINDHU, J.

1. Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (*for short "Cr.P.C."*) for grant of pre-arrest bail to the petitioner in FIR No.159 dated 06.10.2016, under Section(s) 420 of IPC and under Section 13 of Punjab Prevention of Human Smuggling Act, registered at Police Station B Division, District Amritsar.

2. Above FIR was registered on the basis of statement made by one Mandeep Singh son of Sawinder Singh with the allegations that he came into contact with one Harshpreet Singh, who was inclined to go abroad after 12th standard. The complainant introduced Harshpreet Singh to the Harpartap Singh (petitioner) who assured to send him New Zealand and asked for Rs.10 Lakh. Harshpreet Singh approached complainant with the required money and they further contacted Harpartap Singh (petitioner) to hand over the same for sending Harshpreet Singh, abroad. Thereafter, a sum of Rs.10,50,000/- along with passport and original certificates of Harshpreet Singh was handed over to petitioner, who assured them that they will get visa within 2 days. However, they did not get any visa; nor the money was returned.

3. This Court, on 21.8.2023, passed the following order:-

“Contends inter alia that petitioner could not appear on 12.05.2023, due to the fact that wrong date of hearing was noted by the counsel.

Notice of motion.

Mr. Joginder Pal Ratra, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State and seeks time to have instructions and/or file written response in the matter.

Posted on 14.09.2023.

In the meanwhile, petitioner shall surrender before learned trial Court within 07 (seven) days from today. On doing so, petitioner be released on interim bail in the present case till the next date of hearing on furnishing bail and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

4. Contends that in terms of the aforesaid order, petitioner has already surrendered before the court concerned and has been admitted to interim bail.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Narender Singh present in Court.
6. In view of above, interim order dated 21.8.2023 is made absolute, subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the court proceedings and there would be no recurrence on his part.
8. 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.
9. Disposed off accordingly.

(MAHABIR SINGH SINDHU)
JUDGE

16.10.2023
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No