

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59903-2023 (O&M)

Date of Decision: 21.12.2023

ARVINDER SINGH

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Satish Garg, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 303 dated 06.06.2023 registered under Sections 406/420 of Indian Penal Code and Sections 10/24 of Immigration Act at Police Station Krishna Gate, Thanesar District Kurukshetra.

2. On 29.11.2023, following order was passed:

“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in a case bearing FIR No.0303 dated 06.06.2023 under Sections 406/420 of IPC and Sections 10/24 of Immigration Act registered at Police Station Krishna Gate, Thanesar District Kurukshetra.

Learned counsel for the petitioner inter alia contends that the petitioner is the family friend of the complainant and on her asking, he introduced Sukhwinder Singh to her, who is a travel agent based in Jammu and the complainant has paid Rs.10 lakhs to Sukhwinder Singh for facilitating his son to go to Canada as per the allegations contained in the FIR. The petitioner has received Rs.7 lakhs in his account

and as per the account statement (Annexure P-2), out of Rs.7 lakhs, he has transferred Rs.6.5 lakhs in the bank account of Sukhwinder Singh and still to show his bonafide, the petitioner is ready to pay Rs.1 lakh to the complainant.

Notice of motion.

On the asking of the Court, Mr. Gurmeet Singh, AAG, Haryana who is present in Court, accepts notice on behalf of the respondent-State and opposes the prayer for grant of anticipatory bail to the petitioner.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 07.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the 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.

Adjourned to 21.12.2023.

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

The petitioner would bring a demand draft in the name of the complainant and at the time of joining his investigation, he will handover the same to the Investigating Officer and the Investigating Officer will hand over the demand draft of Rs.1 lakh to the complainant.”

3. Learned State counsel on instructions from ASI Baljeet Singh, submits that in compliance of order dated 29.11.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 29.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

21.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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