

CRM-M-64297-2023
Date of decision: 20.12.2023

....Petitioner.

Versus

...Respondent.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Baljinder Singh, Advocate,
for the petitioner.

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SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR as under: -

FIR No.	Dated	Sections	Police Station
78	21.05.2023	420, 120-B IPC, Section 13(1) of the Punjab Prevention of Human Smuggling Act, 2012	P.S. Guru Harsahai, District Ferozepur

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He further contends that the co-accused, namely Avtar Singh, against whom allegations are levelled in the aforesaid FIR, has already been declared innocent and as per the inquiry the present petitioner has also been found to be innocent.

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3. Notice of motion.

4. On the asking of the Court, Mr. Subhash Godara, Addl. AG, Punjab, who is present in Court, accepts notice on behalf of the State-respondent. He, on instructions from ASI Gurdeep Singh, P.S. Guruharsahai, District Ferozepur, submits that the co-accused, namely Avtar Singh, son of Ajit Singh, has already been declared innocent in the inquiry and similarly the present petitioner has been found to be innocent and is not required at this stage in this case.

6. Faced with this situation, learned counsel for the petitioner has very fairly sought disposal of the present petition at this stage having been rendered infructuous with liberty to file the same afresh, in case the need arises.

7. Keeping in view the aforesaid facts and circumstances, instant petition is disposed of as infructuous with liberty to the petitioner file the petition afresh, if so required in future.

8. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer/Police of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

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9. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

20.12.2023
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |