

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.774 of 2024 (O&M)
Date of decision : 06.02.2024

Vijay Kumar

..... Petitioner

versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Sukesh Kumar Jindal, Advocate
for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

1 On 09.01.2024 the following order was passed:-

“This is the second petition filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.210 dated 30.07.2023, under Sections 370, 406, 420, 506 IPC and Sections 10 & 24 of the Immigration Act, 1983, registered at Police Station City, Pehowa, District Kurukshetra.

Learned counsel for the petitioner submits that the petitioner had earlier filed a petition seeking anticipatory bail, which was dismissed as withdrawn with liberty to file a fresh one on the same cause of action vide order dated 13.12.2023 passed in CRM-M-50342-2023. The costs imposed have been deposited vide receipt dated 03.01.2024 (Annexure P-10). It is further submitted that petitioner along with his wife Tamanna Rani is running the business of immigration consultant. The FIR has been registered after unexplained delay of 11 months. As per version in the FIR, husband of the complainant was sent abroad and on reaching Serbia, he had spoken with the complainant on 23.06.2022 and 24.06.2022. Earlier also a complaint was made at Police Station Pehowa on 22.05.2023. Thereafter, a fresh complaint was again made on 26.05.2023

on the basis of which the present FIR has been registered. The husband of the complainant namely Gulzar Singh, had himself contacted the petitioner and his wife for sending him abroad. As per version in the complaint, no inducement is alleged. The co-accused has already been granted the concession of anticipatory bail by this Court in CRM-M-50061-2023. The petitioner is ready to join investigation and cooperate with the investigating agency.

Notice of motion.

Dr. Bhagwat Dayal, AAG, Haryana, accepts notice on behalf of the respondent No.1-State and waives service. He prays for time to file reply/status report.

List on 06.02.2024.

In the meanwhile, petitioner shall join the investigation and would associate as and when called. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

2 Learned State counsel on instructions from ASI Dilbagh has stated that pursuant to the order dated 09.01.2024 the petitioner has joined investigation and is no longer required for custodial interrogation.

3 In view of above, the interim order dated 09.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

4 This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5 This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.

6 The petitioner shall be deemed to be in custody for the purpose of
Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in
pursuance of information supplied by the petitioner in case the occasion arises.

7 It will be open to the police or the investigating agency to move
this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in
the event of violation of any term, such as absconding, non-cooperating during
investigation, evasion, intimidation or inducement to witnesses with a view to
influence outcome of the investigation or trial.

8 Petition stands disposed off.

9 Needless to say that anything observed herein shall not be
construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

06.02.2024
Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No