

2024:PHHC:049438

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

213 CRM-M-11505-2024
Date of Decision : April 10, 2024

KULDIP SINGHPetitioner
VERSUS
STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Himanshu Puri, Advocate for the petitioner.
Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 4.3.2024, the following order was passed by a Co-ordinate Bench of this Court:-

“The instant petition has been filed under Section 438 of the Code of Criminal Procedure (hereinafter referred to as Cr.P.C) for grant of anticipatory bail to the petitioner in FIR No.95 dated 01.10.2023 registered under Sections 406, 420, 120-B IPC and Section 13 of the Punjab Travel Professionals (Regulation) Act, 2014 at Police Station Sadar Kapurthala, District Kapurthala.

Learned counsel for the petitioner, inter alia, contends that the petitioner has been falsely implicated in the present case. He has clean antecedents, as he is not engaged in the business of immigration. In fact, the son of the petitioner has travelled to several countries and the immigration agent Lakhwinder Singh i.e. the co-accused has helped him in securing visa, however, ultimately after visa of son of the petitioner was expired, he was deported. It is further contended that similarly situated co-accused namely Monica has been granted anticipatory bail by this Court in CRM-M No.64858 of 2023 on 08.02.2024. The maximum punishment provided for the offence alleged to be committed in the FIR

(supra) is upto 7 years and no notice under Section 41-A Cr.P.C. was served upon the petitioner. As such, in view of the ratio of law culled out in the judgment rendered by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51**, the petitioner is entitled for bail.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab, 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; Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Mohd. Muslim alias Hussain Vs. State (NCT of Delhi) 2023 SCC OnLine SC 352**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 12.03.2024 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 10.04.2024.

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.”

2. Today, the learned State counsel on instructions imparted to him by the official concerned, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 4.3.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(KULDEEP TIWARI)
JUDGE

April 10, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No