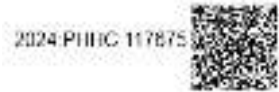


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CRM-M-14180-2024



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-14180-2024
Date of decision: 09.09.2024

MANJEET SINGH
....Petitioner

Versus

STATE OF HARYANA
....Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. R.S. Kundu, Advocate and
Mr. Chirag Kundu, Advocate for the petitioner.

Ms. Gaganpreet Kaur, DAG Haryana.

Mr. Yashwinder Singh, Advocate for the complainant.

.....

SANJIV BERRY, J. (ORAL)

Mr. R.S. Kundu, Advocate has put in appearance on behalf of the petitioner and has filed his power of attorney with no objection from the earlier counsel. The same is taken on record.

2. Investigating Officer of the case is present in Court. However, a request has been received from Assistant Commissioner of Police, Mohana, District Sonipat seeking exemption on the ground that he is deputed to supervise the nominations in the upcoming elections.

3. By way of present petition filed under Section 438 Cr.P.C, the petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under: -

FIR No.	Dated	Sections	Police Station
17	13.01.2024	406 & 420 IPC	Sadar Gohana, District Sonipat



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4. Learned counsel for the petitioner submits that in compliance to the order dated 19.03.2024, the petitioner has joined the investigation.

5. During the course of hearing on 19.03.2024, following order had been passed: -

“ 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.17 dated 13.01.2024 under Sections 406 & 420 of IPC, registered at Police Station Sadar Gohana, District Sonipat.

*Learned counsel for the petitioner, inter alia, contends that the petitioner has only introduced sons of the complainants to a travel agent, as they intended to settle abroad and sons of the complainants were fully conscious of the consequences of travelling to USA through illegal route. The money spent on their travel and air tickets has gone waste, as they were caught in Uzbekistan without valid visa and ultimately, they were deported. Admittedly, no date, month, place or manner, in which the money has been transferred, is given in the FIR. It is further contended that the maximum punishment provided for the offence alleged to be committed in the FIR (supra) is upto 07 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 asking of the Court, Ms. Geeta Sharma, DAG, 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.

Adjourned to 19.04.2024.

*In the meantime, keeping in view the law enunciated by the Hon’ble Supreme Court in **Satender***



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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, petitioner is directed to appear before the Investigating Officer on or before 26.03.2024 and on his doing so or in the event of arrest, he will 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.

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.”

6. Learned State counsel on instructions received from ASI Vikas Kumar, P.S. Sadar Gohana informs the Court that the petitioner has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

7. Learned counsel appearing on behalf of the complainant has opposed the bail and prays for dismissal of the bail application.

8. Keeping in view the above submissions made by learned State counsel and the fact that the petitioner had joined the investigation consequent to the order dated 19.03.2024 passed by this Court, interim



bail granted vide order dated 19.03.2024 is hereby confirmed, subject to conditions as envisaged under Section 482(2) of BNSS. 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 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.

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

09.09.2024
puneet

(SANJIV BERRY)
JUDGE

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