



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

210

CRM-M-43770-2023 (O&amp;M)

Date of decision: 21.11.2024

Sham Gir

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Ripudaman Singh Brar, Advocate  
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab.

Mr. U.K. Agnihotri, Advocate with  
Mr. Anuj Y. Attri, Advocate  
for the complainant.

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**MANJARI NEHRU KAUL, J. (ORAL)**

1. The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No.0209 dated 23.07.2023 under Sections 406, 420, 120-B, 467, 468, 471 of the Indian Penal Code, 1860 and Section 13 of the Punjab Prevention of Human Smuggling Act, registered at Police Station City Rajpura, Patiala.

2. In compliance of order dated 21.10.2024, learned State counsel, on instructions from SI Satnam Singh, has submitted that other than Rs.25,000/- being transferred by the son of the petitioner (co-accused Sukhwinder Gir) there was no documented money transaction between the complainant and the petitioner.

3. On 11.10.2023, while noticing the following submissions made by the learned counsel for the parties, a Coordinate Bench of this



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Court had granted the concession of interim bail to the petitioner and asked him to join investigation:-

*“Learned counsel for the petitioner has submitted that it is a case where the allegations are pertaining to sending the complainants’ sons abroad and an amount of Rs.47,35,000/- was given by the complainants. He further submitted that even as per the allegations and prosecution story itself, an amount of Rs.35,75,000/- was given to the co-accused, namely, Naveen Kumar, Rs.3,90,000/- to the son of the petitioner, namely, Sukhwinder Gir and only Rs.1 lac to the present petitioner and the other family members. He submitted that some of the amount as per the prosecution was transferred in the name of the petitioner, who is the father of the aforesaid Sukhwinder Gir and he has been implicated in the present case only by virtue of being father of the aforesaid Sukhwinder Gir. He also submitted that now an affidavit has been filed by the State wherein some immigration agency is shown to be stated in Mohali has been referred to but the petitioner has neither any concern for the aforesaid company nor is he even aware of the aforesaid company and even investigation agency has not come to the conclusion even as per the affidavit that the petitioner was involved in that agency. He further submitted that the other family members i.e. daughter and wife of the petitioner, have already been granted interim anticipatory bail by this Court on the ground that they have been falsely implicated in the present case only being family members.*

*So far as the amount which allegedly was given to the petitioner even the learned State counsel and counsel for the complainant have submitted that the amount was given to the aforesaid Naveen Kumar and son of the petitioner, namely, Sukhwinder Gir and thereafter, some of the amount was transferred to the petitioner.”*

4. Learned counsel for the petitioner submits that in compliance of order dated 11.10.2023, the petitioner has joined investigation and cooperated with the investigating agency.

5. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions, submits that



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the petitioner is not required for further investigation much less for his custodial interrogation.

6. In view of the above, the petition is allowed and interim order dated 11.10.2023, is made absolute subject to the conditions laid down in Section 482(2) of the BNSS/438(2) of the Cr.P.C.

7. Pending applications, if any, stand disposed of.

**21.11.2024**

Vinay

**(MANJARI NEHRU KAUL)**  
**JUDGE**

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |